

SENATE.

THURSDAY, December 10, 1914.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we come to Thee in the face of a great task, that we may be workmen that need not be ashamed. We are not satisfied that our Government shall be only the expression of our best philosophy of human life, but we would remember that back of all our endeavor and back of all our authority is God's will. Thy will can not be changed by human force, but it is ever responsive to human needs. We pray that Thou wilt supply us with all the graces of character and that wisdom which will fit us for the tasks of this day, and that that which we do may redound to the honor and glory of Thy name. For Christ's sake. Amen.

WILLIAM ALDEN SMITH, a Senator from the State of Michigan; JOHN SHARP WILLIAMS, a Senator from the State of Mississippi; and LEBARON B. COLT, a Senator from the State of Rhode Island, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

TREATMENT OF TUBERCULOSIS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of May 26, 1913, a report by the United States Public Health Service relative to the methods and practice employed by Drs. Karl and Sylvia von Ruck in treating tuberculosis and rendering persons immune from tuberculosis, which, with the accompanying paper, was referred to the Committee on Public Health and National Quarantine.

ENDOWMENT OF AGRICULTURAL COLLEGES (H. DOC. NO. 1334).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a report of the disbursements for the fiscal year to end June 30, 1915, made in the States and Territories under the provisions of the act to apply a portion of the proceeds of the public lands to the more complete endowment and support of colleges for the benefit of agriculture and the mechanic arts, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MOUNT WEATHER, VA. (H. DOC. NO. 1330).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a report as to the present condition and value of Mount Weather, Va., a weather station established in the Blue Ridge Mountains, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

MARITIME CANAL CO. (H. DOC. NO. 1327).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a further report of the Maritime Canal Co. of Nicaragua, which was referred to the Committee on Inter-oceanic Canals and ordered to be printed.

REPORT OF THE ATTORNEY GENERAL (H. DOC. NO. 1330).

The VICE PRESIDENT laid before the Senate the Annual Report of the Attorney General of the United States for the year 1914, which was referred to the Committee on the Judiciary.

REPORT OF THE INTERSTATE COMMERCE COMMISSION (H. DOC. NO. 1389).

The VICE PRESIDENT laid before the Senate the Twenty-eighth Annual Report of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

TRAVEL OF EMPLOYEES IN CONGRESSIONAL LIBRARY (H. DOC. NO. 1277).

The VICE PRESIDENT laid before the Senate a communication from the Librarian of Congress, transmitting, pursuant to law, a statement showing in detail the number of officers or employees of the Library of Congress who have traveled on official business from Washington to points outside the District of Columbia during the fiscal year 1914, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

LIBRARY BUILDING AND GROUNDS (H. DOC. NO. 1276).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk in charge of the Library Building and Grounds, transmitting, pursuant to law, a statement in regard to the purchase of typewriting machines during the first three months of the fiscal year 1915, which was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 6867. An act to increase and fix the compensation of the collector of customs for the customs collection district of Omaha;

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States;

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes;

H. R. 15902. An act to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications; and

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia.

PETITIONS AND MEMORIALS.

Mr. WORKS presented petitions of sundry members of church and Sunday school organizations in the District of Columbia, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors within the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. NELSON presented petitions of sundry citizens of Lake Crystal, Minn., praying for national prohibition, which were referred to the Committee on the Judiciary.

He also presented a petition of the Presbytery of Winona, Minn., praying for national prohibition and remonstrating against any effort on the part of Congress to nullify the Indian treaty of 1855, which was referred to the Committee on the Judiciary.

Mr. THORNTON presented petitions of sundry citizens of Jackson, La., praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. LODGE presented memorials of sundry citizens of Boston, New Bedford, Fall River, Lowell, Worcester, Pittsfield, Holyoke, Winchester, Dedham, Revere, Springfield, and Chelsea, all in the State of Massachusetts, remonstrating against national prohibition, which were referred to the Committee on the Judiciary.

Mr. BURLEIGH presented petitions of sundry citizens of Maine, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SMITH of Michigan presented petitions of the congregation of the Congregational Church of Thompsonville; of the congregation of the United Brethren Church of North Star; of the Menominee Range Ministerial Association, of Iron Mountain; and of sundry citizens of Ashley, Ithaca, and Pompeii, all in the State of Michigan, praying for national prohibition, which were referred to the Committee on the Judiciary.

Mr. SHAFROTH. I present a memorial in the form of a resolution and ask to have it read at the desk by the Secretary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the memorial.

The memorial was read and referred to the Committee on the Philippines, as follows:

THE ANTI-IMPERIALIST LEAGUE,
40 Central Street, Boston.

Resolved, That the Anti-Imperial League earnestly urges the immediate passage by the Senate of the bill reforming the Government of the Philippine Islands which passed the House at the last session as an important step toward the fulfillment of the promise repeatedly made by the Democratic Party to give the Philippine Islands their independence.

MOORFIELD STOREY, President.
ERVING WINSLLOW, Secretary.

GOVERNMENT OF THE PHILIPPINES.

Mr. OVERMAN. On January 19, 1914, I introduced a joint resolution, being Senate joint resolution 99, requesting the President to consider the expediency of effecting a treaty with European powers providing for the neutralization of the Philippine Islands and to protect an independent government there when established, and it was referred to the Committee on Foreign Relations. I ask unanimous consent that that committee be discharged from the further consideration of the

joint resolution and that it be referred to the Committee on the Philippines.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 6857) authorizing the retirement from active service, with increased rank, of officers now on the active list of the Army who served in the Civil War; to the Committee on Military Affairs.

By Mr. LODGE:

A bill (S. 6858) to amend the postal laws of the United States; to the Committee on Post Offices and Post Roads.

By Mr. JONES:

A bill (S. 6859) granting certain lands to school district No. 56, Klickitat County, Wash., and authorizing the issuance of patent therefor; to the Committee on Indian Affairs.

By Mr. STERLING:

A bill (S. 6860) granting an increase of pension to Edward Pilot (with accompanying papers); to the Committee on Pensions.

A bill (S. 6861) for the relief of Elizabeth Marsh Watkins (with accompanying papers); to the Committee on Indian Affairs.

By Mr. SHAFROTH:

A bill (S. 6863) concerning water-power plants hereafter located upon the public lands, and for other purposes; to the Committee on Public Lands.

By Mr. OVERMAN:

A bill (S. 6864) granting a pension to Minnie Lord Henderson (with accompanying papers); to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 6865) to prohibit the sale of intoxicating liquors in the District of Columbia, and to prohibit the treating or giving of intoxicating liquors to minors in the District; to the Committee on the District of Columbia.

By Mr. NELSON:

A bill (S. 6866) for the relief of Vilhelm Torkildsen;

A bill (S. 6867) granting an increase of pension to James K. Deyo (with accompanying papers); and

A bill (S. 6868) granting an increase of pension to F. A. Heebner; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 6869) granting an increase of pension to Sanford A. Herendeen (with accompanying papers);

A bill (S. 6870) granting an increase of pension to Susan A. Manning (with accompanying papers); and

A bill (S. 6871) granting an increase of pension to John B. Way (with accompanying papers); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 6872) granting a pension to Guss Gurtz;

A bill (S. 6873) granting an increase of pension to Anna Mott;

A bill (S. 6874) granting an increase of pension to Juriah Cline;

A bill (S. 6875) granting an increase of pension to Thomas Shapley; and

A bill (S. 6876) granting an increase of pension to Andrew C. McCorkle; to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 6877) granting an increase of pension to William H. Brown (with accompanying papers);

A bill (S. 6878) granting an increase of pension to Benjamin F. Girdler;

A bill (S. 6879) granting an increase of pension to Annette M. Lamoreaux; and

A bill (S. 6880) granting an increase of pension to Esen Z. Guild; to the Committee on Pensions.

By Mr. BURLEIGH:

A bill (S. 6881) granting an increase of pension to Lucy A. Kimball; to the Committee on Pensions.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 210) to authorize the President to invite certain Governments to send delegates to the Pan American Medical Congress; to the Committee on Foreign Relations.

By Mr. KENYON:

A joint resolution (S. J. Res. 211) requesting the nations now at war to declare a truce for 20 days; to the Committee on Foreign Relations.

WAR SUPPLIES.

Mr. WORKS. I introduce a short bill which I ask to have read.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Secretary will read the bill.

The bill (S. 6862) to forbid the furnishing of war materials to belligerent nations was read the first time by its title, the second time at length, and referred to the Committee on Military Affairs, as follows:

Be it enacted, etc., That it shall be unlawful for any person, corporation, or association, a citizen or resident of, or doing business in the United States, to contract for, sell, supply, or furnish to any nation engaged in war, or its armies or soldiers, any food, clothing, supplies, arms, ammunition, horses, or war supplies of any kind, whether the same be contraband of war or not.

Sec. 2. Any person, corporation, or association violating the provisions of this act shall be fined not less than \$5,000 nor more than \$100,000 for each offense.

Sec. 3. Each contract, sale, or furnishing of any such supplies shall constitute a separate and distinct offense.

Sec. 4. Any officer, agent, or representative of any corporation or association participating in any act of contracting for or furnishing any such supplies, or knowing thereof and consenting thereto, shall be liable under this act.

REGULATION OF IMMIGRATION.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States; which was ordered to lie on the table and be printed.

REPORT OF THE SERGEANT AT ARMS.

Mr. FLETCHER. I ask unanimous consent that the report from the Sergeant at Arms of the Senate, which was laid before the Senate on the 7th instant, being a full and complete account of all property in his possession and in the Senate Office Building belonging to the United States, be taken from the table and that it be printed as a document [S. Doc. No. 638]. It is the annual report of the Sergeant at Arms required by law, and it is printed each year.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

Mr. FLETCHER. I ask that the statement of the Sergeant at Arms of the Senate relative to the proceeds derived from the sale of certain property belonging to the United States be taken from the table and that it be printed as a document [S. Doc. No. 639]. This is the annual statement of the Sergeant at Arms, which is required by law and which is printed each year.

The VICE PRESIDENT. Without objection, that action will be taken.

EMPLOYMENT OF ADDITIONAL STENOGRAPHER.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 497), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Corporations Organized in the District of Columbia be, and it hereby is, authorized and directed to employ an additional stenographer, at the rate of \$100 per month, the term of service of such stenographer to conclude with the final adjournment of the third session, Sixty-third Congress.

HOUSE BILLS REFERRED.

H. R. 6867. An act to increase and fix the compensation of the collector of customs for the customs collection district of Omaha was read twice by its title and referred to the Committee on Commerce.

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States was read twice by its title and referred to the Committee on Finance.

H. R. 15038. An act proposing an amendment to the Federal reserve act relative to acceptances, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

H. R. 15902. An act to amend, revise, and codify the laws relating to the public printing and binding and the distribution of Government publications was read twice by its title and referred to the Committee on Printing.

H. R. 17869. An act providing for the appointment of an additional district judge for the southern district of the State of Georgia was read twice by its title and referred to the Committee on the Judiciary.

REGULATION OF IMMIGRATION.

The VICE PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order.

Mr. SMITH of South Carolina. I move that the Senate proceed to the consideration of House bill 6060, the unfinished business.

The VICE PRESIDENT. The Senator from South Carolina moves that the Senate proceed to the consideration of House bill 6060. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 6060) to regulate the immigration of aliens to and the residence of aliens in the United States.

The VICE PRESIDENT. The pending amendment of the committee will be stated.

The SECRETARY. On page 3, lines 14, 15, and 16, strike out the following words:

On account of aliens who have, in accordance with law, declared their intention of becoming citizens of the United States or.

The VICE PRESIDENT. The question is on agreeing to the amendment. It will be agreed to, without objection.

The next amendment was, in section 2, page 4, line 15, after the word "alien," to strike out the additional proviso in the following words:

Provided further, That the provisions of this section shall not apply to aliens arriving in Guam or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent, the provisions of this section shall apply.

Mr. REED. Mr. President, from the very hasty examination I have been able to give this bill, which appears to be rushing forward with an unprecedented speed, I am not sure that I fully comprehend the effect of this amendment. I desire to ask the chairman of the committee if it is the purpose of the amendment to permit the landing of all kinds of aliens without restriction in the Hawaiian Islands?

Mr. SMITH of South Carolina. The object is just the opposite. It is proposed that the proviso be stricken out. Those in charge of the administration of the law recommended it to the committee, and it was agreed to. The Secretary of Labor said:

The exemption, of course, has never amounted to anything so far as Guam is concerned, and its value as an encouragement to European immigration to Hawaii—which is understood to have been the original purpose of its insertion in the law—may seriously be doubted. Its chief effect is to relieve a number of Asiatic aliens of the payment of \$4 each time they enter or reenter the islands. Moreover, the Government is paying all the expense of the enforcement of the law in Hawaii, and there seems to be no sound reason why aliens entering that territory should not contribute to the "revenues" collected from immigrants.

Mr. REED. That explanation is satisfactory to me, and my only apology for asking the question is that it has been impossible for me to give the bill full consideration. I had hoped that the Senator in charge of it would be willing to let it lie over one day further, but he appears to be unwilling to do so. I examined the bill as well as I could last night, and I shall ask for no further time myself.

Mr. SMITH of South Carolina. I wish to state to the Senator from Missouri that after having perfected the bill by these committee amendments I hope all the time necessary for a full understanding and discussion of the bill will be had in this body, because it is a bill of prime importance, and I do not propose to deny to any Member of the Senate an opportunity to understand it fully. As I said yesterday, the amendments are largely verbal and do not touch the vital issues in the bill.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, in section 3, page 4, line 25, after the word "previously," to insert "persons of constitutional psychopathic inferiority; persons with chronic alcoholism," so as to read:

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism—

Mr. GALLINGER. Mr. President, I will venture to ask the chairman of the committee who is responsible for the phrase "constitutional psychopathic inferiority" and just what it means?

Mr. SMITH of South Carolina. All I can say is that that phrase came from that very learned, necessary, and dignified body of which the honorable Senator from New Hampshire is a member. It came, as I understand, from the American Society of Medicine.

Mr. GALLINGER. Mr. President, a psychopath is a morally irresponsible person; that is the definition that I have become acquainted with; but how we are going to determine whether an alien has a "constitutional psychopathic inferiority" that should exclude him I can not quite comprehend. What degree of inferiority will be required as sufficient to exclude him? If the phrase were "psychopathic constitutional tendency," or "constitutional psychopathic infirmity," I could understand that, but the word "inferiority" is certainly an obscure one.

Mr. SMITH of South Carolina. I presume that phraseology was incorporated by the learned body of medical doctors of this country. They incorporated it, as they do a great many other things; they cover up some very innocent and some very harmful things sometimes under a phraseology. I suppose the phrase

means one whose moral inheritance renders him by virtue of his hereditary taint inferior. I do not know of any other meaning of the phrase. We incorporated the phrase believing, as I think the Senator believes, in the wisdom of that learned profession.

Mr. GALLINGER. Of course a person is mentally inferior if he belongs to that class; but when you speak of "constitutional psychopathic inferiority," you must have something to compare it with, and I do not know what it is. If the comparison is to be made with an entirely sound mind, I think that the degree of inferiority should in some way be defined.

Mr. President, my distinguished colleague, the Senator from Oregon [Mr. LANE], is fresher in the matter of medicine than I am, and I should like to ask him if he can interpret the phrase "psychopathic constitutional inferiority"?

Mr. LANE. Mr. President, in reply to the Senator from New Hampshire, I will say that I was much puzzled by that phrase in the bill when I read it. I do not know how "constitutional psychopathic inferiority" can be ascertained or who is to sit in judgment upon another man in relation to that matter; but we might get a psychopathic judge.

Mr. SMITH of South Carolina. Mr. President, as we have provided for medical examinations, and as this recommendation came from an organized medical body of this country, the committee concluded that medical men would be the best interpreters of it, and were the very best people to conserve the interests of the United States in this regard.

Mr. GALLINGER. This bill will go to conference, and doubtless the suggestion I have made will lead to an inquiry concerning the matter. I will ask the Senator from South Carolina what medical association or what medical gentlemen suggested that phraseology?

Mr. SMITH of South Carolina. I have not the letter pertaining to the matter before me at this moment, but I can produce it. The suggestion came from the leading physicians in the city of New York, I believe, and possibly from those of some other contiguous cities.

Mr. GALLINGER. I am myself so rusty in medicine that I do not pretend to understand a great many modern medical terms, but this struck me as being so peculiar that I thought I would call attention to it. However, if distinguished alienists suggested it I certainly will not contest it.

Mr. SMITH of South Carolina. I suppose the phrase is intended to mean a broader condition of inferiority than mere tendencies.

Mr. GALLINGER. Likely so, but the degree of inferiority is an important matter. Some distinguished philosopher has suggested that we are all insane, it being only a matter of degree, and there is much force in that suggestion.

Mr. REED. Before the Senator from New Hampshire takes his seat—he is not only a learned physician, but he is also a scholar—I should like also to have his opinion on the phrase "persons with chronic alcoholism." The language is not "persons afflicted with chronic alcoholism," but simply "persons with chronic alcoholism." Is there some medical refinement that might make that term plain?

Mr. GALLINGER. I will say to the Senator from Missouri that I think the language would be greatly improved if the words "afflicted with" were inserted.

Mr. REED. Mr. President, in view of the fact that the chairman of the committee does not understand the phrase, that the learned Senator from New Hampshire [Mr. GALLINGER] does not understand it, and that the learned physician, the Senator from Oregon [Mr. LANE], does not know what it means, it seems to me it would be quite in order for the Senate to accept it for the same reason that the committee has accepted it, and to pass it along, turning these people over to the tender mercies of the immigration agent who is presumptively much more intelligent than any of the gentlemen I have just named.

Speaking seriously, however, it occurs to me that the phrase ought to go back to the committee to be revamped and clarified. So I suggest that the amendment be passed over, in order that the committee may again go over it.

Mr. SMITH of South Carolina. Mr. President, it is useless to take up the time of the Senate on a matter of this kind. As I said before, this language was recommended by the physicians who have in charge the examination of these immigrants; certain of their terminology is not familiar to us; but it was incorporated in the bill, and as they are the ones charged with the duty of examining these immigrants to ascertain their physical defects and ailments the language was incorporated as recommended.

I myself think that the suggestion made that the phrase "persons with chronic alcoholism" might be improved by inserting the words "afflicted with" or "possessed of." I

think that, however, can be very easily worked out in conference.

Mr. REED. I can hardly agree to the phrase suggested by the Senator from South Carolina—"persons possessed of chronic alcoholism." I think the amendment ought to go back to the committee, and I ask the chairman of the committee to consent to the amendment being passed over. Otherwise, I shall make a motion that it be recommitted to the committee.

Mr. SMITH of South Carolina. Very well; let the amendment be passed over.

The VICE PRESIDENT. Without objection, the amendment will be passed over.

The next amendment of the Committee on Immigration was, in section 3, page 5, line 8, after the word "such," to strike out the words "mental or," so as to read:

Persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living.

The amendment was agreed to.

The next amendment was, on page 5, line 10, after the word "or," to strike out the words "admit having committed" and to insert "who at the time of seeking admission to the United States are legally charged with," so as to read:

Persons who have been convicted of or who at the time of seeking admission to the United States are legally charged with a felony or other crime or misdemeanor involving moral turpitude.

Mr. REED. Mr. President, it seems to me that this raises a very interesting and important question. The language of the House bill was:

Persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude.

That is changed by the committee of the Senate to read:

Persons who have been convicted of or who at the time of seeking admission to the United States are legally charged with a felony.

If that phrase is so drawn that it will relate only to those acts which we ordinarily denominate crimes, which are recognized as crimes in this country, then I think I would offer no objection to it, but at several places in the bill a somewhat similar change appears, and it seems to me that it might result in this, that persons charged with political crimes and seeking refuge in this country might be denied admission and turned back to the country from which they had escaped.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Missouri will allow me, if he will look on page 9, line 21, at the bottom of the page, he will find that the text of the bill reads as follows:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted of or legally charged with an offense purely political, not involving moral turpitude.

Mr. REED. Well, Mr. President, I still am fearful of the effect of the phraseology as to a crime purely political.

This occurs to me—and I think it is a serious matter—it has been our policy always to permit one who seeks refuge in this country, who flees from the tyranny of other lands, to enter here; and it is my understanding, although I have not had the opportunity to examine it, that such a person has hitherto been accorded the right of a trial in our courts to determine whether or not he was merely a political fugitive. Of course, such fugitives are always charged with high treason, or they are charged with some other crime which, so far as the charge is concerned, involves a great degree of moral turpitude; but, as a matter of fact, while that may be the charge, yet these people may be fleeing from oppression. The mere charge ought not to bar them from entry.

Let me illustrate that to the Senate; and I use this illustration merely to elucidate the argument. Germany has overrun and for the time being has conquered and taken possession of Belgium. Suppose, now, that a Belgian were to assail the authorities who have been established there through the force of arms; that this Belgian, believing that his loyalty and duty were still to the King of his country, who has been expelled, were to do some act which offended against the present military power; suppose that he should be legally charged with some act, the charge involving moral turpitude, whereas as a matter of fact all he had done was to contend on behalf of his stricken land, and under those circumstances he were to come to this country, seeking harbor and refuge, would it be the part of wisdom or would it be consistent with our national policies as they have heretofore existed, upon the mere presentation of a charge or indictment, to compel an immigration agent to turn him back? I do not think we should do that, and yet I believe that would be the consequence of this language.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Massachusetts?

Mr. REED. I do.

Mr. LODGE. I was merely going to say to the Senator that this clause, except for the words in italics, is the existing law. Mr. SMITH of South Carolina. Under the act of 1907.

Mr. LODGE. The only difference is the insertion by the Senate committee of the words "legally charged."

Mr. REED. That is exactly the point I am making.

Mr. LODGE. One moment. The Senator is speaking about the Belgians. Of course Belgium is now under military control. We recognize the Belgian Government's existence; the Belgian minister is here received. We take no recognition of that military control. There could be no indictment, because that territory is under military power, and I can not conceive how this provision could be so twisted as to keep out a Belgian because he fought for his country.

Mr. REED. Now, if the Senator will pardon me—

Mr. LODGE. Of course we do not want to do anything of that sort. I agree with the Senator as to that.

Mr. REED. I do not believe the Senator does want to do that.

Mr. LODGE. But I do not see how the provision can possibly be twisted in such a way as to do that.

Mr. REED. The Senator is arguing the details of an illustration, which is never the right way to arrive at a conclusion, which the illustration was simply offered to elucidate. While it is true that Belgium is to-day under military control, it does not follow that next week or next month the Imperial Government of Germany may not set up a civil government in Belgium, establish courts and forms of procedure there; neither does it follow that if a poor Belgian under those circumstances should refuse to obey some order he might not be indicted under some law or rule established by the autocratic authority which might be set up; and to say to him that, because the charge has been made, he can not come into this country, it seems to me, is going too far. He can not even be permitted to show that the charge is untrue; he can not be permitted to go back of a mere indictment or charge by some officer; but he must be bound absolutely by it, being denied the right to show the fact to be that his act was purely that of a patriot seeking to defend his country.

Mr. LODGE. Of course, we should have to recognize the German Government there first. No weight would be given to their proceedings unless we had recognized that they were the Government there.

Mr. REED. Possibly that is the case, and yet I do not think it necessarily follows. I do not believe that a mere charge ought to be sufficient to keep a man out. I believe we ought to reserve to ourselves the right to ascertain the facts for ourselves. I should not object at all to a clause imposing upon the applicant for admission the burden of showing that the charge was unfounded; but to deny him absolutely the right to enter this country would, in my opinion, if the same policy had existed in the past, have excluded the great majority of those patriotic people who fled here for sanctuary.

The chairman of the committee states to me in a remark on the side that the question would be still left to be decided. Not so. The language of the bill is language of exclusion; and incorporated in the class of people who are to be excluded are persons who have been convicted of or who at the time of seeking admission to the United States are legally charged with a felony or other crime or misdemeanor involving moral turpitude.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. Under the clause which the Senator is discussing, who is to pass upon the question whether or not the charge involves moral turpitude?

Mr. REED. Manifestly, the immigration inspector.

Mr. BORAH. I think that is as serious an objection as the other. The Supreme Court of the United States some time ago sustained the decision of an immigration inspector and the department, which had for its effect the exclusion from the United States of a native-born citizen, and he was denied the privilege of presenting to the courts of the country the question as to whether or not he was a native-born citizen. In other words, the court sustained the decision of the department as being conclusive as against a man who was prepared to prove that he was a native-born citizen of the United States, and he was excluded. I think it is a very dangerous power to lodge in a mere department officer. In the dissenting opinion, Justice Brewer said: "Such a decision is to my mind appalling." I agree with the learned justice—such a vicious principle of bureaucracy engrafted on our free institutions is appalling.

Mr. SMITH of South Carolina. Mr. President—
The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from South Carolina?

Mr. REED. I do.

Mr. SMITH of South Carolina. If the Senator from Missouri will allow me, I think it will be conceded by every Member of this body that the administrative features of the bill—and this is one of them—must be lodged in some competent body. I presume our immigration officers charged with this duty are selected with due regard for their fitness to enter into the merits of any particular case. While there may be from time to time some hardship or perhaps some injustice by virtue of the administration of the law, nevertheless it seems to me to be practically impossible so to define the law as to make it perfect in its letter without leaving something to the judgment of those charged with its administration.

The reason why we wrote in this clause was that it seemed absurd to think that anybody seeking to come to the United States would admit that he had been guilty of that which under the terms of our law would unfit him to enter; and we put in this clause, "legally charged," so that in case he came duly to trial and was cleared of the charge he could then enter, and if convicted, by the very text of the law of 1907, he could not enter.

Therefore it seemed to me that this was the very language we should use, because if he were legally charged he would be then under indictment, and if convicted under the terms of the old law he could not come in. If we are going to make the United States an asylum to which felons and those who may escape the processes of the courts may come and enter, why, then, let us leave out this language.

Mr. HITCHCOCK. Mr. President, will the Senator from South Carolina permit a question?

The VICE PRESIDENT. Does the Senator from Missouri yield to the Senator from Nebraska?

Mr. REED. I do.

Mr. HITCHCOCK. I want to ask if it is not a fact that under the treaties existing between the United States and European countries any person coming here who was under an indictment would be secured and returned?

Mr. SMITH of South Carolina. That is my understanding.

Mr. HITCHCOCK. Then, in view of that case, is there any necessity of incorporating this amendment in the bill? I am not certain that it should not be done. I am merely asking for information.

Mr. SMITH of South Carolina. I should think this language would often help expedite matters, and would largely tend to obviate the necessity of going through the process of extradition papers, and so forth, because if there is lodged against the individual a legal charge which would unfit him for entry if he should be convicted of it, it seems to me it would be only paying proper respect to other nations which have processes of courts such as ours. A culprit fleeing from this country and going abroad would be excluded there if in their immigration law they were to incorporate a provision that if he was legally charged he could not enter. It seems to me the language here is the proper language to use in the premises.

Mr. REED. Mr. President, among my early recollections is laid up this fact: Having attended a public school, the president of the school board being an old Bohemian who had fled to this country and whose estates had been confiscated because of a rebellion against the authority of Austria, I have not the slightest doubt that he was charged with high treason and charged in a legal form; nearly all of his compatriots were executed, and I have not the slightest doubt but that if this law had been in existence an immigration agent would have stopped him at the shores of our country and sent him back to his death. Yet, of all the men I have ever known upon this earth, I have regarded him as one of the most intelligent, most patriotic, most moral.

This matter ought to be approached in a grave frame of mind at this particular moment. All Europe is aflame with war. Armies are marching and countermarching across devastated countries. The King of Belgium and the remnant of the Belgian Army are fighting on soil that is foreign to them. We are told by the press—whether truthfully or not I can not say—that the spirit of revolt against what these peoples regard as oppression is aflame in many of the Provinces of Austria, or in many of the smaller subdivisions that make up Austria. Before this war is over, or when it is over, it is entirely probable that thousands and perhaps hundreds of thousands of people will seek refuge in this country, undertaking to escape from the courts and military tribunals of a conquering power; and all that will be necessary in order to compel this Government to return them, if this bill be passed in this form, will be for the monarch who has

achieved victory to file with our immigration agents a list of the men against whom some charge has been lodged and the poor victim must be returned. He will have no power to go into one of our courts and assert that his offense was purely a political one, and that instead of being a crime it was an act of the highest patriotism. He will be entitled to be represented by no counsel, for, at least in some parts of this bill, it is provided that the hearing before the commissioners shall be a secret hearing. The merits of his case will not be passed upon by a judge or by a jury, but he will be taken before an immigration agent. We deny to that immigration agent any discretion whatever in the premises. Being an administrative officer, all he can do is to follow the letter of the law. The letter of the law as we write it is that if a legal charge has been filed involving a felony the immigrant must be returned to the country from which he came. That may result in sending back to their death or to long terms of imprisonment thousands of the best people of Europe.

As the phrase stood in the House bill, and as I understand it stands in the present law, the man must have been convicted, or he must admit his guilt. To be convicted of a crime or to admit guilt of a crime is a very different thing from being merely charged with a crime. To be denied access to this country because you have been convicted of a crime or admit a crime is a very different thing from being denied access to it because some officer has put a charge against you.

I am not familiar with the methods of procedure in those countries, but I think it is safe to assume that they do not more carefully guard the interests of their subject people than we guard the interests of our citizens. In many of the States of this country a mere prosecuting officer may file a charge. It may not be sustained by a single scintilla of substantial evidence. It may be false in every particular. If such an officer existed in Europe—and probably they have officers with similar and even more arbitrary powers—the mere signing of the name of that officer to a charge deprives the victim of refuge in this land, and the enactment of this law deprives our courts and our Government of any right to investigate as to the truth of the matter.

The effort to exclude foreigners—that is the purpose of this bill—those who are its authors, in my opinion, would gladly close the doors of this country forever to every man born upon foreign soil.

I beg of the committee and of the Senate, particularly at this period of the world's strife, not to enact a law that may turn back patriots, lovers of liberty, soldiers who have fought in defense of their country and their homes, thereby sending them to the prison, the scaffold, or the block.

I have no sympathy with a proposition of that kind. It ought not to be enacted at this time of all others. If the committee will recast this proposition, leaving the refugee the right to appear before some tribunal presided over by a judge, and there demonstrate the fact that he is a good citizen and a good man, and that the charge against him is a false charge, I shall make no complaint. I hope the committee will consider this matter, however; and I ask the chairman of the committee if he is not willing to have this particular amendment passed over for further consideration by the committee?

Mr. SMITH of South Carolina. Mr. President, I hardly think there is any additional comment needed on this particular paragraph. I have listened to what the Senator from Missouri has had to say. I do not think that the United States should be charged with or should assume the burden of passing upon the legal processes of other countries. I think all our treaties and laws in our relationship with them should recognize their due processes of law as we would insist that they should recognize ours. If one who is legally charged with crime desires to come here, as a matter of course the moment the case is decided, if he is convicted, the automatic operation of the law already in force debars him. If he is acquitted the doors are wide open to him. We have recognized the processes of law of other countries, and we expect them to recognize ours. I see no possible objection to this amendment.

Mr. O'GORMAN. Mr. President, though a member of the committee, I have no recollection of having been present at any hearing when this particular paragraph was under discussion. I very strongly disapprove of it. The only excuse for its insertion is to enable the immigration officers to learn something regarding the character of the alien, and from this language his character is presumed to be bad, because he has been accused of the commission of a crime. It does violence to the law on the subject of character as applied, I believe, in every State court of the United States and in the Federal courts of the Nation, because no witness will be required to answer a question regarding accusations that may have been made against

him, and all the courts hold that the mere accusation, the mere finding of an indictment, no matter how serious the crime, can not be regarded as impeaching the character of the individual. If he has been arrested, if he has been imprisoned, that may be regarded as bearing upon his character, but the bill as amended by the committee contemplates that the mere accusation against an alien charging him with some act of moral turpitude shall in itself be sufficient to stamp him as a man of unworthy character and unfit to be admitted into the United States.

I think that the provision placed in the bill by the House is a good provision and that it ought to be retained. In substance, it declares that any person convicted of a crime or who admits his guilt shall be excluded. The suggestion has just been made by the chairman of the committee that if he has been accused by a foreign government of the commission of an offense that ought to be sufficient to exclude him. If he has been indicted under foreign law and the foreign government is anxious to secure his presence to proceed with the prosecution, that can be accomplished by an entirely different law—by our treaty regulations—by which we recognize the right of extraditing a citizen of this country who has been accused and perhaps indicted under the laws of some foreign government for the commission of an offense.

If the chairman does not think it proper to defer the further consideration of this provision at this time, I shall ask to have the House provision stand and the committee amendment rejected.

Mr. WORKS. Mr. President, as I construe this amendment it in effect provides that where a subject of some other nation has been charged with a crime under the laws of his own country he shall not be admitted. I think that is a perfectly just provision. Why should this Government under those circumstances take upon itself the burden of trying a man and determining whether he is guilty or innocent? It is entirely proper that he should be returned to his own country where the charge is made against him and there have him tried. Looking at it in that way I see no objection to the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WALSH. The question is on the adoption of the committee amendment?

The VICE PRESIDENT. The question is on the adoption of the committee amendment. The Secretary will call the roll upon agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I will withhold my vote. If I were at liberty to vote, I would vote "nay."

Mr. THORNTON (when Mr. RANDELL's name was called). I desire to announce the necessary absence of my colleague [Mr. RANDELL] on public business. I ask that this announcement may stand for the day.

Mr. SAULSBURY (when his name was called). I transfer my general pair with the junior Senator from Rhode Island [Mr. COIT] to the junior Senator from Virginia [Mr. SWANSON] and vote "nay."

Mr. SIMMONS (when his name was called). I transfer my pair with the junior Senator from Minnesota [Mr. CLAPP] to the Senator from Louisiana [Mr. RANDELL] and vote "yea."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Arkansas [Mr. CLARKE], who is absent. On that account I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the junior Senator from West Virginia [Mr. GOFF] to the Senator from Nevada [Mr. NEWLANDS] and vote "nay."

Mr. WILLIAMS (when his name was called). I transfer my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Nevada [Mr. PITTMAN] and vote "yea."

The roll call was concluded.

Mr. GALLINGER. I wish to announce the following pairs:

The junior Senator from Idaho [Mr. BRADY] with the junior Senator from Mississippi [Mr. VARDAMAN];

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Minnesota [Mr. CLAPP] with the Senator from North Carolina [Mr. SIMMONS];

The Senator from South Dakota [Mr. CRAWFORD] with the Senator from Tennessee [Mr. LEA];

The Senator from New Mexico [Mr. FALL] with the Senator from West Virginia [Mr. CHILTON];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE].

Mr. HOLLIS. I announce my pair with the junior Senator from Maine [Mr. BURLEIGH].

Mr. MYERS. I have a general pair with the Senator from Connecticut [Mr. McLEAN]. Has he voted?

The VICE PRESIDENT. He has not.

Mr. MYERS. I transfer that pair to the Senator from Colorado [Mr. SHAFROTH] and vote "nay."

Mr. CHAMBERLAIN. I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. In his absence I transfer my pair to the Senator from Virginia [Mr. MARTIN] and vote "nay."

Mr. MARTINE of New Jersey. I was requested to announce the necessary absence of the Senator from Tennessee [Mr. LEA] on official business and also to state that the Senator from West Virginia [Mr. CHILTON] is paired with the Senator from New Mexico [Mr. FALL]. How those Senators would vote if present I do not know.

Mr. JAMES. I transfer the general pair I have with the junior Senator from Massachusetts [Mr. WEEKS] to the junior Senator from New Jersey [Mr. HUGHES] and vote. I vote "yea."

Mr. OVERMAN. I desire to announce that the junior Senator from Florida [Mr. BRYAN] is absent on official business of the Senate.

Mr. SMITH of Michigan. My colleague [Mr. TOWNSEND] is unavoidably detained from the Senate. If he were present, he would vote "nay."

Mr. OWEN. I wish to transfer my pair with the Senator from New Mexico [Mr. CATRON] to the Senator from Florida [Mr. BRYAN] and vote "yea."

Mr. DU PONT. I transfer my general pair with the senior Senator from Texas [Mr. CULBERSON] to the junior Senator from Michigan [Mr. TOWNSEND] and vote. I vote "nay."

The result was announced—yeas 26, nays 30, as follows:

YEAS—26.

| | | | |
|------------|----------|--------------|----------|
| Dillingham | Lodge | Root | Sterling |
| Fletcher | McCumber | Sheppard | Thornton |
| Gallinger | Norris | Sherman | White |
| Gore | Overman | Simmons | Williams |
| Hardwick | Owen | Smith, Ariz. | Works |
| James | Page | Smith, Ga. | |
| Jones | Perkins | Smith, S. C. | |

NAYS—30.

| | | | |
|-------------|----------------|--------------|----------|
| Bankhead | Hitchcock | O'Gorman | Stone |
| Borah | Kenyon | Pomerene | Thomas |
| Camden | La Follette | Reed | Thompson |
| Chamberlain | Lane | Saulsbury | Tillman |
| Clark, Wyo. | Lippitt | Shields | Walsh |
| Cummins | Martine, N. J. | Shively | Warren |
| du Pont | Myers | Smith, Mich. | |
| Gronna | Nelson | Smoot | |

NOT VOTING—40.

| | | | |
|------------|--------------|-------------|------------|
| Ashurst | Clarke, Ark. | Lea, Tenn. | Ransdell |
| Brady | Colt | Lee, Md. | Robinson |
| Brandeggee | Crawford | Lewis | Shafroth |
| Bristow | Culbertson | McLean | Smith, Md. |
| Bryan | Fall | Martin, Va. | Stephenson |
| Burleigh | Goff | Newlands | Sutherland |
| Burton | Hollis | Oliver | Swanson |
| Catron | Hughes | Penrose | Townsend |
| Chilton | Johnson | Pittman | Vardaman |
| Clapp | Kern | Polindexter | Weeks |

So the amendment was rejected.

The next amendment of the Committee on Immigration was, in section 3, page 5, line 13, after the word "turpitude," to strike out "polygamist" and insert "polygamists."

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 6, after the word "who," to insert "directly or indirectly"; in line 6, after the word "to," to strike out "bring in" and insert "procure or import"; in line 7, after the word "or," to strike out "women or girls" and insert "persons"; and in line 8, after the word "any," to strike out "others" and insert "other"; so as to read:

Prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution.

The amendment was agreed to.

The next amendment was, in section 3, page 6, line 17, after the word "unskilled," to insert "mental or manual," so as to read:

Persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written, or printed, express

or implied, to perform labor in this country of any kind, skilled or unskilled, mental or manual.

The amendment was agreed to.

The next amendment was, in section 3, page 7, line 15, after the word "existing," to strike out "treaties or," so as to read:

Unless otherwise provided for by existing agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into.

The amendment was agreed to.

The next amendment was, in section 3, page 9, line 4, after the word "dialect," to strike out:

No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

The amendment was agreed to.

Mr. WALSH. Mr. President, the amendment just adopted, by which the words "mental or manual" were inserted in the bill, did not, as it seems to me, in giving the subject hurried consideration, receive the consideration of the Senate that its importance required. I find it exceedingly difficult to understand upon what consideration we ought to exclude a teacher from this country because he comes here under an agreement to teach. Ought not the universities of this country be permitted to engage teachers in foreign countries?

Mr. LODGE. That is in the existing law. The admission of persons of the character the Senator describes is all provided for.

Mr. WALSH. What was the suggestion of the Senator from Massachusetts?

Mr. LODGE. I say, the admission of such persons as the Senator describes is provided for in the exceptions which are now in the present law and which have been there for years.

Mr. WALSH. I should like to be advised of the qualifications.

Mr. LODGE. If the Senator from Montana will turn to the top of page 11, he will find this language:

Provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries.

Mr. WALSH. Then, I desire to inquire of the distinguished Senator from Massachusetts, with these exceptions, what is the significance of the language "mental or manual"?

Mr. LODGE. From what page is the Senator from Montana reading?

Mr. WALSH. I am reading from page 6.

Mr. LODGE. Mr. President, that is the old contract-labor law, to which those I have named are exceptions. Those three words were added on the suggestion of the department simply to make the law clear. All the rest of the language is the existing law, and has been the law for many years. They are found in what is known as the contract-labor law, which antedates any immigration legislation. The language was intended to prevent the importation of contract labor of any sort.

Mr. WALSH. If the Senator from Massachusetts will attend to the question I addressed to him, I desire to say that I observe all of the qualifications referred to on page 11. It does not extend to professional actors, artists, lecturers, or singers. I should like to know, when all those classes are excluded, what classes are included within the term "mental," as found in line 17, on page 6?

Mr. LODGE. All persons who come in under contract who are not included in the exceptions.

Mr. WALSH. But will the Senator from Massachusetts kindly indicate some who would fall within that class?

Mr. LODGE. In the first place, all manual laborers—

Mr. WALSH. Oh, yes; but I am speaking about those who would be excluded by the language added—"mental or manual."

Mr. LODGE. Well, there is a large body of manual employments that are not included in the exceptions.

Mr. SMITH of South Carolina. I have here a communication from the Attorney General asking that this language be clarified, which I find included in the notes on the amendment, saying that very often it was hard for the courts to determine where skilled labor was employed and no actual manual labor done, whether such a laborer came under the terms of the contract-labor law. He asked that the law be clarified, and therefore the committee has recommended the insertion of the words "mental or manual."

Mr. WALSH. But we do not get any answer to the question. What I want is some concrete case.

Mr. LODGE. A clerk in a bank, for instance.

Mr. WILLIAMS. I think I can give another case; at least, it looks to me like one. It looks to me as if it would exclude an engineer with whom contracts were made for the purpose of doing engineering work in the United States. Engineers might

have the highest mental qualifications and their services might be of the very utmost necessity and public advantage at a certain time. So, if you are going to put the word "mental" in where it has been inserted on the page to which the Senator from Montana calls attention, the list of those who are to be exempted ought to be extended. You ought not, for example, to exclude from this country an expert accountant, nor ought you to exclude a civil or a mining or an electrical engineer. If the law is to be in spirit and in sympathy with the old contract-labor law, either the words "mental or manual" ought to be left out, leaving the language subject to the construction which it has already received, or else the list of those who are made exceptions to it on page 11 ought to be somewhat extended.

Mr. LODGE. Mr. President, the purpose of the law is to exclude labor contracted for in a foreign country at a very low rate, a lower rate than is paid in this country. As I have said, this law, with the exceptions, has been on the statute books for many years. The words "mental or manual" were inserted because there has been a great deal of trouble under the existing law in efforts to confine it to manual laborers. The purpose of the law, I repeat, is to exclude contract labor, except in certain cases, and to prevent the making of contracts abroad at lower rates than are paid in the United States. Of course it is for the Senate to say whether they will enlarge the exceptions. I think the contract-labor law is an extremely valuable law.

Mr. WALSH. Mr. President, there is no one more heartily in sympathy with the whole spirit and purpose of the contract-labor law than myself, and I do not desire to subject myself in any degree to the imputation, which seems to be suggested, of hostility to the spirit of that act by calling attention to this particular amendment proposed by the committee. I do not think we have had very much enlightenment concerning this matter. It means something; it was undoubtedly aimed at some particular class of immigrants. What was the defect in the old law? What particular class of immigrants was allowed to come into this country that ought to have been excluded?

We all know, as a matter of course, the construction that was given to the old act by the Supreme Court of the United States. A man employed to come into this country as a preacher of the gospel was held not to fall within the condemnation of the act. Let us understand clearly if it is intended now to extend the operation of the act beyond the construction given to it by the Supreme Court of the United States, so that it shall no longer be possible to introduce teachers of that character.

I observe that the exceptions are very wide, but I still am eager to be told by some Senator of the particular class of immigrants at which this provision is aimed—what particular class will be left?

The Senator from Mississippi [Mr. WILLIAMS] very pertinently suggests that a great engineer, who had distinguished himself in the conduct of great public works in one of the countries of Europe, might not come here. I recall now that the builder of the Assuan Dam upon the Nile did us the honor to pay a visit to this country only a year ago, and the hope was expressed in many quarters here that we might induce him to stay in this country, and that this Government of ours or some private individual might enter into a contract with him by which he should be assured employment in this country in the development of our great resources in one way or another. Is it intended to exclude such a man? Yet I undertake to say that some one would be heard to urge that the engineering profession is not one of the learned professions described in the exceptions? Let us assume, however, that it is; let us assume that the engineering profession would fall within the exceptions. Now, go on further, go on down the line, and tell us which is the class of immigrants that you desire to exclude by these rather cryptic words that have thus been introduced here into the bill.

Mr. LODGE. Mr. President, there is nothing very cryptic in the words "mental or manual." They are words of common knowledge. This language is not aimed at any particular class. It was, at all events, brought to the attention of some members of the committee by the representatives of the labor organizations of this country, that without the words "mental or manual" being in the present law there were being brought into this country persons with whom contracts had been made abroad, which was defeating the purpose of the contract-labor law. That was the object. It was to make the law more explicit.

Mr. WILLIAMS. What character of people would be affected?

Mr. HITCHCOCK. Can the Senator state who those persons are? I am curious to know.

Mr. LODGE. I can not do that without looking back at the hearings. I think the chairman has a copy of them.

Mr. SMITH of South Carolina. Mr. President, here is the recommendation that came from the department charged with the administration of the law.

Mr. LODGE. From the present Secretary?

Mr. SMITH of South Carolina. From the present Commissioner of Immigration. He says:

Here is repeated the definition of "contract laborer" that is contained in section 2 of the existing immigration law. Attention is called to the opinion of the Attorney General in the McNair case (27 Opinions, 383), holding that the present law excludes only manual laborers, skilled or unskilled. I am advised that always under the act of March 3, 1903, and also under the act of February 20, 1907, until the opinion mentioned was handed down, it was the practice of the administrative officers to exclude aliens as "contract laborers" without regard to whether the work to be performed by them was of a manual or a mental nature, their idea being that "labor of any kind" included mental as well as manual occupations, and that the only exceptions permissible under the law were those specifically given in the last proviso to section 2 of the existing law (repeated in this proposed measure, lines 12-18, p. 10). That construction of section 2 of the existing law seems to be approved (obiter dicta, at least) in the decision of the Supreme Court January 5, 1914, in *Lapina v. Williams*. Since the date of the opinion of the Attorney General above mentioned an effort has been made to apply the law to "manual" laborers only; but it is often practically impossible to determine whether the mental or manual elements predominate in particular occupations, especially those that are skilled; and there can be no doubt that the law was intended to protect skilled as well as unskilled laborers; in fact, it was enacted and from time to time amended largely to meet demands of the skilled laborers. The law should be made perfectly plain by inserting after the words "labor * * * of any kind," (p. 6, lines 2-3), the words "mental or manual."

That was the point made by the Commissioner of Immigration—that it would be well to clarify the law and make it perfectly plain so that the courts would not be called upon to differentiate which element, manual or mental, predominated in skilled labor. If the predominance was mental, under existing law the laborer was not included in the prohibition against "contract labor." The amendment was designed to clarify that by including in the contract-labor law those who performed mental as well as those who performed manual labor; that is all. That is the recommendation of the department, and that is the reason for the insertion of the words "mental or manual."

Mr. HITCHCOCK. Mr. President, I think it would be a very serious mistake to amend the law as proposed. There has been a recognized evil in this country, which grew out of the wholesale importation of labor from abroad, that became a menace to the labor at home. There is every reason for the public sentiment in this country against the importation of contract labor, either skilled or unskilled, of a manual character; but there is no sentiment in this country against acquiring citizens from abroad who will add to the productive capacity of this country by reason of the mental ability which they bring to us.

Mr. LODGE. Mr. President, the only limitation put on their coming in is that they should not make a contract before they come in.

Mr. HITCHCOCK. Well, there is no reason for that, Mr. President.

Mr. LODGE. I think there is a pretty good reason for it.

Mr. HITCHCOCK. There is no reason why, if a great engineer develops in Europe—

Mr. LODGE. That is covered by the exception of the learned professions.

Mr. HITCHCOCK. I doubt it. There can be no objection to bringing into this country a man who has attained great ability as a manager of a certain line of manufacturing. That man becomes an asset to this country when he comes here to promote and develop a manufacturing industry which will give employment to labor and open a new line of industry in this country. There can be no possible objection, in my mind, to bringing into this country that superior class of people who would be a distinct advantage and help to the country.

Mr. SMITH of South Carolina. Mr. President, if the Senator from Nebraska will allow me to interrupt him, he will admit, I presume, that those are rare and exceptional cases and are not so very vital to the interests of this country. An American, working up steadily to attain the mental fitness for the discharge of high functions in his employment, stands face to face with the possibility of being confronted by one of equal ability from abroad who is willing to accept the position at less wages. Such cases may and do probably occur every day. An American who wants to improve his process of manufacture can go abroad and get the benefit of any new device or new idea, while the laborer who by his own industry and his own effort has worked himself up to where he is in a position to earn a higher wage is met at the threshold of his promotion by some one from abroad who is willing to take the place under contract at a less figure. I do not think that is fair.

We have made the exceptions in the bill as broad as we could make them, and propose to leave them to the good sense and judgment of those charged with the administration of the law; but it has been deemed wise, by the insertion of the proposed amendment, to meet the requirements of that aspiring class who desire to rise from the ranks of manual labor to the grade of skilled mental and manual labor and to protect them from the competition of the overcrowded population of the old world, where by some accident a man may have the same opportunity and may come here and take advantage of what has been done by the American and get his job.

That, I think, was the idea of the committee; that, in order to protect and encourage that class, the words "mental and manual" should be put into the law.

Mr. HITCHCOCK. Mr. President, I think the Senator has answered himself when he has stated that this amendment will only affect rare cases. If it only affects rare cases, it is not necessary.

Mr. SMITH of South Carolina. Oh, no; the Senator misunderstood me. I said the cases he cited would be rare. I say that a case where some exceptional intellect discovers a new process and wants to enter into contract to come over here and give us the benefit of something we know nothing about would be rare.

In that case, if the foreigner has something that we do desire, he can come to this country and make a contract after he comes, because American ingenuity is such, and it has such a way of looking to the main chance, that when such a man does come, if he makes good, he can enter into contract after he comes; but if the manufacturers of this country, in order not to pay just compensation, or, I will say, compensation that should be the reward of one working from the manual ranks up into the mental as well as the manual, contract for similar labor at a lower price, and bring it to this country, what incentive have you held out to the American workman? What incentive do we hold out to a boy working as a floor sweeper and desiring to advance higher, if you leave the door wide open for the foreigner, who has already attained that skill, to come to this country under contract and compete with him? That is the point.

Mr. HITCHCOCK. The possible evil which the Senator states has, in my opinion, no existence in fact. Any man in this country who is possessed of energy and ambition, and has the real development of an idea, has no difficulty in finding a market for the services he can render. The people of this country who are unable to find a market for their services are those who have common labor and those whose labor is so unskilled as not to possess a high productive value.

This country opens an unquestioned field to the man who really has something of great value to contribute to the industrial world. I can very well imagine a case where a German chemist, for instance, possessed of the secrets of German chemistry, which are known to excel those of any other country, might be brought to this country, and that man alone introduced into an industry might result in giving employment to thousands of other people and building up in this country a great industry now monopolized by Germany.

I will follow this illustration a little further. The Senator well knows the preeminence of Germany in the matter of chemistry. It is admitted that this country is comparatively dependent upon Germany, and has been for many years, for certain dyestuffs used in our manufactures. If we transplant to this country the learning and the knowledge of those German chemists there is no reason why we can not build up those industries in this country.

Mr. SMITH of South Carolina. The Senator knows that ample provision is made on page 11 for the exemption of that class of people.

Mr. HITCHCOCK. No; I think not. I think just such a man might be excluded from this country by some inspector in New York who would hold that he was to engage in mental labor in this country.

Mr. SMITH of South Carolina. Yes; but he would have to be under contract; and any man who has a new process that he wants to promulgate in this country would have no difficulty in finding a ready market for it after getting here if it was worth the market. It is the class who are contracted for to engage in already established work who are excluded.

Mr. HITCHCOCK. The Senator is again mistaken. I will stick to my illustration. Take the German chemist employed in a German chemical works who realizes that he is assured a profitable maintenance for life. He will not come to this country upon a peradventure and give up the assurance which he has at home. He may be induced to come only when he is

assured in advance of a permanent and a lasting employment in this country at a good salary. On the other hand, the common German laborer, crushed down by conditions in his country, will come here because he can not be any worse off here than he is there. So we have found that common labor comes to this country in excessive quantities.

One of the things from which this country is suffering at the present time, and one from which it has suffered at different periods, and always at recurring periods, is the excess of common labor, while one of the reasons why Germany has been developed to such a great degree of prosperity is that during the 44 years of the Empire Germany has utterly changed her labor conditions. When the Empire was established two-thirds of all German labor was common labor, and only one-third was skilled labor. To-day two-thirds of all the labor in Germany is skilled labor, and only one-third is common labor. The productiveness of the Empire has been enormously increased; and that has been possible in part by reason of the fact that Germany has developed intellectual men who are skilled, and who may come under this title of skilled labor of a mental sort.

Mr. SMITH of South Carolina. May I ask the Senator a question? Is he advised as to whether Germany imported these skilled laborers, these chemists and professors, or did she develop them herself?

Mr. HITCHCOCK. I do not know. I am not prepared to answer that question, because I can not, but I do not think it has anything to do with the case. My opinion is this: Undoubtedly, if Germany finds that America excels in a certain line of development she will import those skilled Americans. Undoubtedly, if Germany finds that England has developed a certain art or a certain line of manufacture or a certain industry to a high point she will import the Englishman skilled in that line, or permit him to come, and come by contract. Germany has grasped all the good she found anywhere in the world for the purpose of her own development, and I think America should follow that policy. We should not shut our gates and bar our entrances to people who can come here and build up the industries of this country by the intellectual development which they have already attained.

Mr. SMITH of South Carolina. Will the Senator allow me to read him the provision that follows this very proposed amendment?

The provision next foregoing, however—

Referring to this one—

shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, merchants, and travelers for curiosity or pleasure.

Mr. HITCHCOCK. That is for the very reason that this country is not suffering from an evil growing out of an excessive supply of those persons. The thing we are suffering from is an excessive supply of common labor, and sometimes of skilled labor of certain kinds. We never suffer from an excessive supply of what may be called intellectual or mental labor.

I think the amendment of the bill in this particular, whatever its purpose may be, is aimed at something which is not an evil and is likely to introduce into the bill a new provision which may be used to our detriment. Certainly there has been no showing of any existing evil which will justify a change in the present law in that respect.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. HITCHCOCK. I do.

Mr. GALLINGER. I will venture to ask my friend the Senator from Nebraska if the fact that skilled labor has so largely increased in Germany, is not probably due to the wonderful system of technical schools in that Empire?

Mr. HITCHCOCK. I have no doubt of it. It has been the steady purpose of the German Government to develop its labor and raise it to a higher standard. The skilled laborer had an immense productiveness more than the unskilled laborer.

Mr. REED. Mr. President, when the committee come to consider this matter further, I think they will be inclined to yield somewhat. By the insertion of the word "mental" they have greatly broadened the scope of the present contract-labor law. That law was intended, as has been said, to reach manual labor. It was so broadly drawn in the first instance that a minister employed by a church in New York—Trinity Church—was under its provisions sought to be excluded. The Supreme Court of the United States held that he could be admitted, but the court, in order to reach that conclusion, went back to the purpose of the law and really worked some ravishment upon the language of the section itself. I wish, however, to call the

attention of the chairman of the committee and the committee itself to one immediate effect of this proposed amendment.

We have just passed a banking and currency bill which authorizes the banks of this country to establish branch banks in foreign countries. Also we have otherwise vastly enlarged the ability of our banks to engage in international financial transactions. Already branch banks are being established in South American countries. If this amendment becomes a law, our banks maintaining branches in South America can not go to South America and employ men who are skilled in its finances and bring them here to enable them properly to carry on their South American business.

With all due respect to the committee, I do not think it wise to pass such a law. It is no answer whatever to say that somebody might drift up here from South America in search of employment, and might find his way into one of these banks and it might secure his services. What it is undoubtedly necessary for these banks to do is at once to acquire in their working forces in this country men who are familiar with the banking and financial operations of the countries in which it is proposed to establish branches. The broad language of the amendment would stop that, and the broad prohibition is made even more certain by the specific exceptions that later are written into the bill; because, under the rule that the statement of one particular exception excludes all others, it is made perfectly plain that the class of men I am referring to would be excluded.

Mr. SMITH of South Carolina. May I ask the Senator from Missouri a question? Does he think, under the illustration he uses, that the courts or the administrators of this law would construe those imported from a country in which we propose to establish a bank as coming under this provision? They are imported, not for the purpose of performing contract labor here, but for the purpose of teaching the methods by which the banks are carried on at that place. The exceptions I note here are broad enough:

Teachers, * * * chemists, civil engineers.

The word "teachers" is very flexible; and under the illustration the Senator uses it seems to me that the employment of those versed in the customs and procedures of their countries would necessarily come under that head, because it would be only temporary. They would be brought here for the purpose of teaching that which does not exist here, and not under the form of a contract to perform labor that is already well established and understood here.

I will agree with the Senator from Missouri that—

Mr. WALSH. Mr. President, before the Senator proceeds will he have the kindness to tell us where teachers are excluded?

Mr. SMITH of South Carolina. It says "teachers."

Mr. WALSH. I do not find it.

Mr. SMITH of South Carolina. If the Senator will look on page 7, he will find it.

Mr. WALSH. Oh, well, the language on page 7 is very restricted in its operation. The Senator is entirely mistaken concerning the purpose of that provision.

Mr. SMITH of South Carolina. It says "teachers, missionaries, lawyers, physicians"—

Mr. WALSH. Yes; but it says that restricts only the next preceding clause.

Mr. SMITH of South Carolina. No; the next foregoing clause.

Mr. WALSH. The next foregoing clause, which simply refers to people who can not be naturalized here; that is, Chinese and Japanese.

Mr. REED. Mr. President, answering the Senator, he does not at all meet my illustration. The man to be employed in these banks is not employed as a teacher; but, even if he were, teachers are excluded by this bill. Professors in colleges and in seminaries of learning are excepted, but not teachers—

Mr. WILLIAMS. Mr. President—

Mr. REED. I will ask the Senator just to wait until I can conclude the sentence, and then I will yield to him.

Mr. WILLIAMS. It was right on that point that I wished to interrupt the Senator.

Mr. REED. This employment that I have spoken of, in a bank, is not that of calling in a man to teach others. Even if the word "teachers" were employed it would not cover the case. The National City Bank of New York, for instance, which has already established several branches, and other banks which have or may establish foreign branches, will in my opinion find it necessary to keep in their employ men who are familiar with the language, the customs, and the financial processes of each

of the countries in which they have established a branch bank. Such an expert will not be brought into the bank to hold a school of instruction, a night school, or a day school. He is brought in to work at a desk and transact business. I do not know that they have employed such people, but I know in the course of events they must be employed. I will now vary the illustration, and let us see how unwise it might be to adopt this phraseology.

We expect, under existing conditions, to extend very vastly our foreign commerce. The President has recommended in that behalf that we shall buy ships, that the Government shall go into the transportation business, and we all believe that while the industrial activities of Germany and France and England are paralyzed we may now hope to extend our trade into South American countries and there obtain a permanent foothold. Now, who will say that the first step toward the obtaining of that permanent foothold is not to acquire an intimate knowledge of the wants, habits, and customs of those people, their trade methods, their manner of doing business, and all that multitude of facts which have been hitherto gathered by the merchants of foreign countries and to which trade experts largely ascribe the success and dominance of foreign merchants in these South American countries? Which one of us is willing to say to an American manufacturer, a cotton manufacturer in the State of Georgia, "If you desire to do business in Chile you can not employ a man from that country who understands the language, habits, and customs of that people and place him in charge of the branch of your foreign trade department which deals with the people of Chile"? Who shall say to a merchant who desires to enter some other South American country, "You can not employ a man who speaks the language of the country and who is acquainted with its trade conditions"? Why should we so cripple our American merchants?

Before I take my seat I want to make one other observation.

Mr. SMITH of Georgia. Mr. President—

Mr. REED. Then I will yield to the Senator from Georgia.

Mr. SMITH of Georgia. I do not want the Senator to take his seat. I only want to make a suggestion.

Mr. REED. I have always been an earnest advocate of the law that prohibits the bringing in of laborers under contract. I have always so believed and so voted. I have always denounced those who have gone to foreign lands and imported men under contract to take the places of American workingmen; but if you insert this word "mental" here, without any restriction upon its meaning otherwise than now appears in the bill, you will absolutely cut off both of the classes I have just referred to in my illustrations.

Mr. SMITH of Georgia. Mr. President, I was not able to be present at a part of the discussion with reference to this language. I wish to ask the Senator from Missouri his view as to the effect of the language upon a class of men that we may have an opportunity to bring here in the near future, and whose presence would be of vast benefit to the great working masses of the country. Take those classes of German scientists who have done so much in the line of developing dyestuffs and other materials, for lack of which our manufacturing enterprises have been seriously troubled during the past 90 days. Would this language prevent the employment of an expert chemist from Germany who might be needed in this country to aid in inaugurating some line of chemical process necessary to our industries for which we now depend upon Germany; and if it would, is it not probable that all the members of the committee would prefer that it should not go that far?

Mr. REED. Mr. President, the Senator is a great lawyer, and in answering his question I need only to read the language of the bill. I call his attention to the opening sentence of section 3:

That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles—

And so forth.

Then follows a long list, including procurers, prostitutes, and people of that class. Then follows this language:

Persons hereinafter called contract laborers, who have been induced assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled, mental or manual.

Now, if that language stands, it will exclude every person of every kind and every character who comes here under any kind of contract, solicitation, or inducement. Turning then to the exceptions which are found on page 11:

Provided, That the provisions of this law applicable to contract labor shall not be held to exclude—

What? Chemists, engineers, teachers, people of that kind? Not at all. It shall not be held to exclude—

professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession—

Which, I take it, means preachers, doctors, and lawyers—

or persons employed strictly as personal or domestic servants accompanying their employer.

That means, first, we exclude everybody, and then we except from the rule of exclusion certain particular classes, and in the exception there is nothing that will include the skilled chemist of Germany; there is nothing that will include the skilled engineer; there is nothing that will include the man who is skilled in banking or in merchandising or is familiar with the trade conditions of another country and is brought here because of his expert knowledge. Manifestly, if we pass this bill as recommended by the committee, we deny to this country access to these highly intelligent, scientific classes of people, who undoubtedly we ought to bring here for the purpose of gaining the benefit of their skill.

Mr. SMITH of South Carolina. Mr. President, if the Senator will look on page 10, he will find this proviso:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case.

Mr. REED. Mr. President, does that language answer the question "If labor of like kind unemployed can not be found in this country"? Who will say that among the 90,000,000 people some chemist may not be found who could make the dyestuffs? Yet who would confine the industries of the country to the employment of that one man? Besides, who will assert that a skilled chemist comes under the term "skilled laborer"?

Mr. SMITH of Georgia. Would the term "skilled laborer" be applied to a student of science?

Mr. REED. I think not. I think the term "skilled labor" has its meaning. "Skilled laborer" here is intended to be applied to mechanics.

I hold that this is true. We ought to rigidly exclude those who come here under contract to perform manual labor, skilled or unskilled, because they are brought in here to compete with thousands and tens of thousands of our citizens duly qualified to perform that task. That is the evil we are striking at, and we are striking at no other evil. But if a foreign chemist could be brought to this country to assist in the establishment of manufactures of dyestuffs so that our country would no longer be dependent upon a foreign manufacturer for its supply, would injury result to our labor? The man would take no one's place here, because if we had chemists who could do the work effectually there would be already in this country manufactures of the kind I am referring to. If such an industry were established by a skilled foreigner, it would make employment for a great many of the skilled and unskilled laborers of our land. It would generally increase employment for our labor and multiply our wealth.

Moreover, suppose we were about to erect a great building or monument and some foreign architect whose dream of utility and beauty far surpassed that of any of our own people should present his plans and offer his services; why should we deny to our country that splendid monument of genius and accept an inferior article? This very Capitol Building sprang from the brain of a man born upon foreign soil. Many, indeed the vast majority of all the works of art that have added glory and beauty to the halls and temples of our land come from the magic brush or chisel of some foreign artist.

It is unwise to put in this sweeping inhibition. Certainly if it is to be used the list of excepted employments ought to be greatly enlarged.

Suppose there is some great engineer, let us say a Belgian engineer or a German engineer or a French engineer, a man capable of conceiving the Suez or the Panama Canal, and because of the present untoward conditions in Europe he should desire to have employment here, but would not want to come simply searching from house to house for work, what objection is there to adding to the knowledge of this country the wealth of his intellectual achievement? Why not bring him?

Those men who have made countries great have not done it by the policy of exclusion. If you ask me who laid the foundations of Germany's greatness and power, who made it possible that that nation should become so great that it is feared by other nations, I would answer, Frederick the Great. No sooner had that wonderful man established peace by arms than he

invited to his court the intellect of the earth, the scholar, the statesman, the philosopher, the artist, the musician; thus he transformed his people and laid the foundation for a civilization that has advanced from that day to this and has created a country that were it not for the shadow of militarism which hangs over it would be an almost ideal land.

Mr. President, let us not adopt so narrow a policy.

My attention has just been called by the Senator from New Jersey [Mr. MARTINE] to the fact that many of those men who are now rendering great assistance to Thomas A. Edison in his wonderful inventions are Germans who came here and secured employment with him. We are so infinitely narrow in all this, we talk about people who happen to be born on the other side of the red line of a map as though they were not God Almighty's children, as though the same red blood does not flow in their veins, the same impulses thrill their hearts, the same ambitions inspire their souls, and the same tender sentiments animate their lives as thrill and sanctify our own.

Sitting now in the chair of the Senate [Mr. NELSON in the chair] is a man born under the flag of another country, who told me—and I think a repetition not indelicate—that when he arrived here he had but two or three dollars in his possession. He could not speak our language. He had no rich protectors. Yet he has been the governor of a great State and for many years its Senator. In this body he ranks in patriotism, in intelligence, and in learning with the best of its Members. When the call came for soldiers to defend the land of his adoption he took his place on the red line of battle, and it is not recorded that he did not fight as good a fight as any of the proud Americans who happened to be of the second or third generation of foreigners who located here.

This bill is framed upon the idea that if a white man happens to be born under any other flag than ours he is therefore not fit to live under this flag. I confess the doctrine nauseates me. It is narrow. It is the philosophy of cowardice. It is a cry from the lips of the man who is afraid of competition.

I see sitting across the Chamber from me another man born under the flag of a foreign country. He also has been selected by the people of his State to come here and represent them in this Senate, which we boastfully denominate the greatest deliberative body on earth. As I look at the faces of these two men I ask, What is the difference between them and some one whose ancestors emigrated here a few years earlier? Are not their countenances as clear cut, their foreheads as high, their eyes as fearless, their hearts as stout, their brains as keen, their courage as high, their patriotism as lofty as those of us whose ancestors came here a generation or two earlier? Yet when they came, at the very hour they were landing, there were proscriptionists warning the country against the pauper hordes who were invading our blessed land and about to destroy it.

When the Irish came from that stricken land where proscriptive laws denied the right to worship God according to the dictates of conscience, closed their factories, shut the doors of learning in the face of ambition; when the Irish came here, driven by want and famine and proscription and tyranny; when they came in rags and tatters; when they came holding out hands, not for bread, but for work, there were a great many of the aristocrats of America who denounced them as a pauper horde, ignorant, besotted, unfit for citizenship. Yet but a few years had passed until Irish orators were thrilling the hearts of American audiences with the music and power and force of their eloquence. Irish songsters were turning the air to melody. Irish statesmen were crowding into the Halls of Congress and into the Senate, and Irish merchants were making themselves princes in the marts of trade.

When the German tide of immigration swept into this country and when Holland poured a flood of her citizenry into our ports, the proscriptionist again stood with sour visage and denounced these people. They came and established themselves in colonies, and then it was discovered that they filled our farms with a citizenship that was superb and unsurpassed; that they crowded into our colleges and seminaries of learning; that they brought with them music and art and letters and, with all, the sturdy citizenship that maintained the law and upheld the flag. They are in my State by the thousand. There is no protest from my State.

The protest comes from States which have no foreign population to speak of. You do not hear it from the State of Minnesota. Yet if you had traveled through that State a few years ago you would have found vast and unsettled prairies, scarcely regarded as fit for the habitation of men. A few years later you would have found Swedes and Norwegians and Danes by the tens of thousands—men who could not speak our tongue, yet who were sending their children to the public schools, who were cultivating the soil, who were building homes, who were estab-

lishing industries, who were creating banks, who were becoming merchants. Travel over that State to-day and you will meet a people you can not distinguish from what we are pleased to term the American citizen. They speak our tongue; they wear the same habiliments; they think the same thoughts; they follow the same system of education; they worship at the same throne of grace; and if this country were involved in war, they would stand on the red line side by side with the American aristocrat whose ancestors happened to come here a little sooner than they did.

And now it is proposed to exclude the "mental," the intellectual, if, forsooth, some one in this country, having discovered the necessity for that particular variety of mentality, has said to its possessor, "If you will come to America, a place awaits you." That, sir, is a narrow policy. It is an un-American policy.

Mr. President, where did this American race come from? I am glad it was my privilege to be born under the Old Flag. Sometimes I feel a little pride in the fact that at least a portion of my ancestors were here before the Revolutionary War. Yet I am no prouder of that than I am of that other branch which came here at a later period and, having come, demeaned themselves as honest folk.

But when I see men with curled lip denouncing these children of misfortune who were born under other skies and who from love of liberty turn the eyes of hope toward our shores, I ask the proud aristocrat whence he came, how long it has been since his ancestors escaped from the same lands of oppression. What, pray, is his pedigree? I am reminded as I stand here of a few lines from, I think, that classical poem by John G. Saxe, entitled "The Proud Miss MacBride"—a legend of Gotham—and they run like this:

Of all the notable things on earth,
The queerest one is pride of birth.
Among our "fierce Democracy!"
A bridge across a hundred years,
Without a prop to save it from sneers—
Not even a couple of rotten peers—
A thing of laughter, sneers, and jeers,
Is American aristocracy!

English and Irish, French and Spanish,
German, Italian, Dutch, and Danish,
Crossing their veins until they vanish
In one conglomeration!
So subtle a tangle of blood, indeed,
No modern Harvey will ever succeed
In finding the circulation!

Depend upon it, my snobbish friend,
Your family thread you can't ascend,
Without good reason to apprehend
You may find it waxed at the farther end
By some plebeian vocation;
Or, worse than that, your boasted line
May end in a loop of stronger twine
That plagued some worthy relation!

Mr. WORKS. Mr. President, the evil that we are attempting to legislate against in this section of the bill is the contracting in advance with foreign laborers to be brought to this country to compete with native or American laborers. It is not intended to prevent any citizen of any other country from coming here a free man to labor in this country at such wages as he may be able to procure. The intent of it is to prevent the bringing into this country of laborers at wages less than those prevailing in our own country. What difference does it make, sir, whether a man happens to be a skilled laborer or a common, ordinary laborer? There is no reason why a banker should be allowed to employ some skilled laborer to come into this country at a wage based upon the standard of wages of another country, less than that fixed by our own standard of wages, any more than there is why a man or a corporation should be permitted to employ a common laborer to come here for the same purpose.

The distinguished Senator from Minnesota [Mr. NELSON], whom we all love and respect, and who has been so eloquently referred to by the Senator from Missouri [Mr. REED], did not come to this country as a contract laborer; he came here a perfectly free man, at liberty to procure the wages that could be obtained in the country to which he had immigrated. He would not be excluded by the provisions of this bill; neither would anyone coming here, whether a skilled or a common laborer, who was not bound in advance to labor for wages that had been contracted for, and, we may assume, contracted for upon the basis of the standard of wages existing, not in this country, but in his own country.

In my judgment, Mr. President, the exemptions from the effects of this clause in the bill are too broad. So long as anyone comes here to enter upon a business where there is no competition, where there is no fixed standard of wages, the reason

for this sort of legislation ceases; but if there is a fixed standard of wages, for instance, in the case of engineers, there is no reason why anybody should be allowed to go to a foreign country, contract there for an engineer, and bring him into this country at a less wage than he could obtain upon fair competition in this country when he reaches it. It is that very evil, Mr. President, that we are attempting to avoid in this kind of legislation.

The illustrations presented by the Senator from Missouri, and the hardships that might result from a provision of this kind, are purely imaginary. Does anybody suppose, for example, that we can not procure the necessary ability in the way of engineering in this country without going to any foreign country to obtain it, or that we can not find competent chemists or men in any of the other lines of endeavor mentioned by the Senator from Missouri?

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from California yield to the Senator from Montana?

Mr. WORKS. I do.

Mr. WALSH. I should like to inquire of the Senator from California whether he would desire to have the bill prevent the introduction into this country under employment of skilled foreign engineers?

Mr. WORKS. I should object to any kind of labor being brought into this country under a contract fixing the wage to be paid.

Mr. WALSH. Exactly. I agree with the Senator about that; but that is not the question. I thought that I had got the Senator's attitude to be—and I wanted to be assured about it—that he was specifically opposed to the introduction of foreign engineers or of foreign chemists under contract.

Mr. WORKS. It is fair to presume, Mr. President, that if a contract is made in a foreign country it will be based upon the wage to be paid in that country. The engineer, or whoever it may be, is not likely to exact a higher wage than that existing in his own country; and it is an injustice to the laborers of this country to bring anyone here, whether he be a skilled or an unskilled laborer, at a wage less than he could obtain in fair competition in our own country. I am opposed to that, whether it be in the case of a common laborer or of the man who labors mentally or a skilled laborer of any kind.

Mr. WALSH. Mr. President, the explanation originally given of the significance of this amendment was that it was exceedingly difficult to draw the line in the case of many vocations between mental and manual labor, and that it was difficult to determine which particular variety of labor predominated in the work the laborer was called upon to do. Of course, everybody must recognize that that difficulty does exist. A mining engineer, for instance, is called upon oftentimes to perform exceedingly arduous manual labor; the constructing engineer, an engineer laying out a great railroad, is often called upon to do the most severe character of manual labor, and yet it might easily be determined that in the case of both of those vocations the mental labor is the particular part for which the employment is made. It is easy to recognize that in many cases it is difficult to determine; but, Mr. President, it does seem to me that that is just exactly where we ought to draw the line; that we ought resolutely to exclude all those who come here under contract who are to engage in vocations the predominant feature of which is manual labor—that is the purpose of the contract-labor act—and that all of those who are to engage in the learned professions or in any profession or vocation where their value depends upon the intellect who can be brought into this country ought to be permitted to come under contract if it is necessary to get them in that way.

Mr. President, a number of illustrations have been given of the most desirable classes of people who would be excluded by this bill if it should become a law. I want to instance another to show the scope of this provision. In this country you have recognized for a long time how dependent the great beet-sugar industry is upon Germany for its supply of sugar-beet seed. Attention was called upon this floor some time ago to experiments—costly experiments, as I have abundant reason to know—that have been carried on in this country with a view to determine whether we could not raise in this country all our own sugar-beet seed necessary for the support of that industry. Time and again it has been disclosed upon this floor how dependent we would be if for any cause whatever the German supply should be shut off, as it was feared only a short time ago it would be.

Mr. President, extensive experiments have been carried on in my State in the last half dozen years in an effort to produce there a sugar-beet seed equal to that produced in Germany.

Why should anybody who desires to go into the sugar-beet seed business in this country be denied the opportunity to contract with a skilled man who has mastered the subject over in Germany and to bring him over here to operate a sugar-beet seed farm in this country? I should like to inquire of the Senator from California if he would like to exclude that kind of a man?

Mr. WORKS. Mr. President—

The VICE PRESIDENT. Does the Senator from Montana yield to the Senator from California?

Mr. WALSH. I do.

Mr. WORKS. I should like, first, to ask the Senator from Montana if any effort has been made to procure services of that kind by special contract?

Mr. WALSH. I am able to answer the Senator. These operations are being carried on in my State now at the Billings sugar factory; they are being conducted under the direction of a graduate of one of the German universities. He has, however, other duties to perform; this is a side line upon his part. I undertake to say that if they were told to find the proper man they would be only too glad to enter into a contract with him to get him to come over here and operate that branch of their business. Why should they be denied that opportunity?

Mr. WORKS. Then I assume that kind of a contract has been made or attempted?

Mr. WALSH. I do not know.

Mr. WORKS. The Senator from Montana has asked me whether I would object to that sort of labor being brought into this country under those circumstances. I answer very frankly I should object. There is no reason why a laborer of that kind—a mental laborer, if you please to call him so—should be allowed to contract for wages in advance to come to this country any more than the smaller man or the common laborer. The principle is precisely the same, and the reason for preventing it is precisely the same. I should not be willing to make a distinction of that kind.

Mr. WALSH. Mr. President, of course there is a very clear antagonism between the views of the Senator from California and my own upon that subject. I do not desire to exclude those men; that is not my idea at all of the purpose and scope of a contract-labor law. If the Senator from California takes that position with respect to the matter, I should like to know why the exception found on page 11 is in the bill at all, which excludes—

Mr. WORKS. I have already stated that, in my judgment, the exceptions are broader than they should be.

Mr. WALSH. Exactly.

Mr. WORKS. That is one of the exceptions that I should not desire to go into the bill.

Mr. WALSH. The position of the Senator from California is entirely consistent. The exceptions on page 11 are:

Professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants accompanying their employers.

Of course the Senator from California can not take the position consistently that these classes of immigrants ought to be permitted to come in under contract while the beet-sugar man should be excluded.

Mr. DILLINGHAM. Mr. President—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Vermont?

Mr. WALSH. I do.

Mr. DILLINGHAM. May I inquire of the Senator from Montana whether the case that he mentions would not be met by the following provision of the bill:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country.

Mr. WALSH. I will answer the Senator from Vermont very frankly about that matter. Such labor can be employed. Prof. Mendelsohn is now engaged at that labor, and he can be kept at that labor; but his duties are in an entirely different field, where he can find very profitable employment for himself and very useful employment for those who engage him. He is obliged to leave his other work in order to undertake this. He would be very glad, I undertake to say—although I do not know anything at all about that—to get some other man to handle that part of the business while he devoted himself to the general business aspects of the enterprise; in other words, Mr. President, merely because you can find a man here to take the place is no reason why the foreigner should be excluded. That is just exactly where the point comes in in the case of all manual labor. Whether it is skilled or unskilled, you find a vast body of men who do not vary much in their equipment and in their capacity; but whenever you pass that point and go into the domain of mental labor, there is no such thing as a general

dead level. Everybody recognizes that fact. Take the lawyers' profession, for instance. Would you exclude lawyers? Mr. President, I want to refer to that.

The exceptions on page 11, it will be observed, do not include any of these classes, or at least it is doubtful whether such laborers as have been spoken of by a number of those who discussed this subject would be included. The skilled chemist, the skilled agriculturist, the skilled engineer, the skilled architect—it is doubtful whether any of these would be included, because the word "profession" as used in the exception is qualified by two words. First, he must belong to one of the "learned professions," and, second, it must be not only one of the "learned professions," but it must be one of the "recognized learned professions" in order that he shall fall within the enumeration there given.

Reference was made by the chairman of the committee to an exception to be found on page 7, by which all teachers were likewise excluded from the operation of the act; but that, I think, the distinguished chairman, by a little attention to the language of the bill, will recognize is inaccurate. The bill enumerates a large number of classes of individuals who will be excluded. The class last mentioned is described in the bill on page 7, in lines 13, 14, 15, 16, and 17, as follows:

Persons who can not become eligible, under existing law, to become citizens of the United States by naturalization, unless otherwise provided for by existing treaties or agreements as to passports, or by treaties, conventions, or agreements that may hereafter be entered into.

Then follows:

The provision next foregoing, however, shall not apply to persons of the following status or occupations—

Referring, of course, to the class of persons to which I have just adverted—

Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, merchants, and travelers for curiosity or pleasure—

And so on.

That is to say that, notwithstanding such immigrants can not be admitted to citizenship in this country, they may still come in; but that exception does not extend at all to the immigrants from countries who would under our laws eventually be entitled to naturalization, and the only exception is that contained in the language found on page 11.

I think a further word should be said in answer to the suggestion made by the Senator from Vermont [Mr. DILLINGHAM] with reference to the provision on page 10, which reads as follows:

Provided further, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor—

And so forth.

It will be observed, Mr. President, that that contemplates a vast body of men seeking employment in that particular vocation. It can not possibly refer to such cases as would otherwise fall within the language of the amendment proposing to insert the words "manual or mental," which contemplates the exclusion of men of exceptional equipment such as have been referred to in the debate.

Mr. DILLINGHAM. Mr. President, if the Senator will pardon me, I made that suggestion in view of what the Senator was saying in regard to the beet-sugar industry and the necessity of having skilled men to place beet-sugar factories in operation. Similar conditions have existed in New England. I have in my mind now the establishment in Connecticut of a lace factory, the machinery for which was purchased in Europe, and there was nobody in this country who was capable of putting that machinery in operation and instructing those who were to have charge of it. There was no way of determining in advance whether a person imported for that purpose would be rejected under our laws until after the person came here and the question was raised upon his arrival. For that reason when the immigration bill was drafted two or three years ago a provision was incorporated under which that question might be raised in advance and be presented to the Secretary of Commerce with the proof, so that his action might be determined before the person was imported. In that way it would save the embarrassment, and the expense as well, of bringing a person to this country and having the matter determined after he came here. Of course if the question were determined against him he would be deported, and he would not only suffer disappointment but incur expense.

It occurred to me while the Senator was speaking that that little clause was met with in this provision, and that in the case he mentioned there would be no difficulty in applying to the Secretary for permission, making a showing, and bringing in

the skilled overseer or superintendent to whom the Senator has referred.

Mr. WALSH. Mr. President, I feel quite certain that the provision on page 10 was intended to cover just exactly such a case as the Senator from Vermont has indicated, but I do not think that the case that has been referred to falls within that class at all. I indicated a while ago, and, following the same line of thought, I desire to observe again, that there are all kinds of gradations. As a matter of course, when it comes to vocations and those engaged in them in which the labor is chiefly mental, the differences between separate individuals ordinarily vary very much more than in the case of vocations where the work is largely manual. In the case to which I referred we have a number of gentlemen in the Agricultural Department here in Washington who have for quite a good many years been giving some considerable attention and study to the question of sugar-beet seed, and experiments have been made by companies in other States besides my own, so that it can not be said that it is impossible to get any one in this country who would be able to do the work; certain persons can be secured; but why should we deny ourselves, and why should any particular company be denied, the opportunity to get a man of preeminent qualifications, who has established his ability by reason of the success which has attended his efforts in a foreign country, and why should we be compelled to accept some man here who has not had the opportunity, as the foreign student may have had, to follow out the business to its ultimate facts? I believe that it would be a grave error to deny to our country the services of men who have climbed to the top of their profession if they desire to come here and give us and our country the benefit of their study and their thought.

Mr. President, I move that the vote by which the last amendment was adopted be reconsidered.

Mr. SMITH of South Carolina. Mr. President, before that vote is taken I desire to say that the committee went fully into this matter. If I may repeat what I said in the beginning of the discussion of this proposed amendment of the committee, the Commissioner of Immigration and the courts have found difficulty in drawing the line between the mental and the purely manual. I understand from the argument of the Senator who has just taken his seat that his contention is that, because of the degree of excellence that may be obtained abroad, a corporation should not be denied the opportunity of contracting for and importing skilled labor, even though labor of like kind can be found in this country. He used as an illustration, I believe, the propagation of sugar-beet seed and its culture.

The committee took the view that the incentive in this country for reaching perfection was to exclude from its borders those who, already having attained a certain skill, might preempt the ground at less wages and leave no opening for those who step by step were attaining that very skill which we want to foster in this country.

There is no member of the committee who wants to deny—and there is nothing in this bill intended to deny—this country the benefit that might come to it by reason of being able to utilize some new discovery or some process of chemistry employed, for example, in the manufacture of dyestuffs. That is not the design of this bill, nor is it intended to exclude the men who might bring such benefit, for the reason that they are professional men along skilled professional lines.

I listened with a great deal of interest to the very eloquent plea that the Senator from Missouri [Mr. REED] made for a wide-open door for the importation of those who desire to come here.

Mr. POMERENE. Mr. President—

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. SMITH of South Carolina. Certainly.

Mr. POMERENE. Referring to the illustration which was used by the Senator from Montana [Mr. WALSH] on the subject of sugar-beet seed, does the Senator contend that one who is skilled in the raising of beets or is skilled in the manufacture of dyes, and so forth, would be a professional man?

Mr. SMITH of South Carolina. I do not suppose that he would; but under the bill it is provided that if skilled labor can not be found in this country to perform a certain work and we stand in need of it, it can be imported on proper application.

Mr. POMERENE. Then let me ask a further question: Would the Senator regard one who is skilled in the production of sugar beets as a skilled laborer?

Mr. SMITH of South Carolina. I would. If he is skilled in their production, the very expression implies that he is a skilled laborer.

Mr. POMERENE. But it may be that the man who has special knowledge on that subject would take no part in the manual

labor, the producing of the beets, or the growing of the stock from which the beet seed was produced. Would you still regard him as a skilled laborer?

Mr. SMITH of South Carolina. I would not regard him as an unskilled one; I would say that his knowledge comes through his labor with that plant.

Mr. President, the whole subject under discussion resolves itself into this: We have got to make laws to conform to a rule and not to the exceptions, and here we are trying to protect the great mass of the laborers of this country, skilled and unskilled. You have no right to jeopardize the wage-earning capacity of a man who, through years of industry and application to his business, has risen to a point where he can command higher wages, by permitting the importation, in competition with him, for the benefit of some temporary need of a skilled foreign artisan to take his place, for you would then have placed a penalty on skilled labor and opened it to competition; you would be saying to the man at the bottom, "We will protect you, but when you get to where your wages reach the highest point you shall come in competition with the foreigner."

As I have said, the general purpose of this bill is to protect labor from the lowest to the highest in the enjoyment of the American standard of wages. The exceptions we try to provide for by leaving the old law stand, with the exception that if there is a certain kind of work to be done and there are men in this country to do it, but they are employed, then you can import men from other countries to do the work. If it is found that there is a certain class of work that is not being carried on in this country and it is desired to import some one under contract to teach us how to do it and to install the machinery for the purpose of carrying on that work, the right is given under this provision to do that. The amendment was suggested for the purpose of protecting an entire class and not to interfere with the larger scope of the purely professional classes. The argument this morning has been along the line of exceptions that do not enter into the question as affecting the vital interests of the great body of the laborers of this country. We were trying to make a rule and then conform the law to it. We were trying to get the rule, the general aspect, and then make the law conform to that, and not trying to make the law conform to the exception.

An illustration has been suggested to me by the Senator from Oklahoma. We have a law that one must reach the age of 21 before he can vote. There is not a man on this floor but that knows thousands of cases where young men of 19 or 20 are more capable and better qualified for the exercise of the franchise than some men of 70; and yet you do not balk at the rule, because to attempt to frame a law going into all of these minute exceptions would open the door to emasculating the general application of the rule and process by which the Senate should operate.

Mr. HITCHCOCK obtained the floor.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

| | | | |
|-------------|----------------|--------------|------------|
| Bankhead | Hughes | Page | Sterling |
| Brandagee | James | Perkins | Stone |
| Burton | Jones | Pomerene | Sutherland |
| Chamberlain | Kenyon | Reed | Thomas |
| Cummins | Kern | Robinson | Thompson |
| Dillingham | La Follette | Shafroth | Thornton |
| Fletcher | Lane | Sheppard | Walsh |
| Gallinger | McCumber | Sherman | Warren |
| Gore | Martine, N. J. | Smith, Ariz. | Weeks |
| Gronna | Nelson | Smith, Ga. | White |
| Hardwick | Norris | Smith, Md. | Williams |
| Hitchcock | O'Gorman | Smith, S. C. | Works |
| Hollis | Overman | Smoot | |

Mr. KERN. I desire to announce the unavoidable absence, on account of sickness, of the senior Senator from West Virginia [Mr. CHILTON]. I should have made this announcement two or three days ago, but neglected to do so. He will be detained for the balance of the week. This announcement may stand for that time.

Mr. OVERMAN. I desire to announce that the junior Senator from Florida [Mr. BRYAN] is absent on business of the Senate.

Mr. MARTINE of New Jersey. I make the same announcement with reference to the senior Senator from Tennessee [Mr. LEA]. He is absent on official business. I am also requested to state that a pair exists between the senior Senator from West Virginia [Mr. CHILTON] and the senior Senator from New Mexico [Mr. FALL]. As to how they will vote on this question I have no knowledge.

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

The motion pending before the Senate is to reconsider the vote by which the amendment on page 6, line 17, was adopted. The amendment inserted the words "mental or manual," in line 17, and the motion is to reconsider the vote by which that amendment was adopted.

Mr. SMITH of South Carolina. Mr. President, I ask that in place of the vote by which the amendment was accepted that particular amendment may be passed over. I suppose I will have to have unanimous consent for that.

Mr. REED. Then it would be necessary to reconsider the vote, letting the bill stand without the amendment being acted upon, and then you would have it re-referred to the committee.

Mr. SMITH of South Carolina. Yes.

Mr. REED. If the chairman makes that request, I think it should be taken by viva voce.

The PRESIDING OFFICER. The Senator from South Carolina asks that the vote by which the words "mental or manual" were inserted may be reconsidered. Is there any objection to that? The Chair hears none, so that vote is reconsidered. What is the further request of the Senator?

Mr. SMITH of South Carolina. That that amendment may be passed over for the time being, temporarily.

The PRESIDING OFFICER. The Senator from South Carolina also asks that the amendment may be passed over for the time being. The Chair hears no objection.

The next amendment before the Senate is on page 9, the amendment being to strike out the following words, in lines 4, 5, and 6:

No two aliens coming in the same vessel or other vehicle of carriage or transportation shall be tested with the same slip.

The amendment was agreed to.

The next amendment of the Committee on Immigration was, on page 9, line 23, after the word "of," to insert "or legally charged with," so as to read:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted of or legally charged with an offense purely political, not involving moral turpitude.

Mr. REED. Mr. President, in view of the action of the Senate in striking out the words "legally charged with" in the preceding section, these words ought to go out now.

Mr. SMITH of South Carolina. Yes; that would naturally follow. They would be meaningless.

Mr. REED. Then, as I understand, they are withdrawn by the committee?

The PRESIDING OFFICER. The question is on agreeing to the amendment. If the Senate votes "no," the amendment will go out.

The amendment was rejected.

The next amendment was, on page 10, line 15, after the word "case," to strike out:

But such determination shall not become final until a period of 30 days has elapsed. Within 3 days after such determination the Secretary of Labor shall cause to be published a brief statement reciting the substance of the application, the facts presented at the hearing and his determination thereon, in 3 daily newspapers of general circulation in three of the principal cities of the United States. At any time during said period of 30 days any person dissatisfied with the ruling may appeal to the district court of the United States of the district into which the labor is sought to be brought, which court or the judge thereof in vacation shall have jurisdiction to try de novo such question of necessity, and the decision in such court shall be final. Such appeal shall operate as a supersedeas.

Mr. REED. Mr. President, I should like to inquire of the chairman of the committee what is the purpose in striking out that provision?

Mr. SMITH of South Carolina. The department complains of the delay and the expense incident to carrying into court these questions that are largely administrative. The committee thought the department had ample facilities for determining such matters, and they simply struck out that long and cumbersome part that has embarrassed them very greatly in the past.

The PRESIDING OFFICER. The question is upon agreeing to the amendment just read.

The amendment was agreed to.

The next amendment was, on page 11, line 9, after the word "servants," to insert "accompanying their employer," so as to read:

Provided further, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants accompanying their employer.

The amendment was agreed to.

The next amendment was, on page 11, line 21, after the word "Zone," to insert:

Provided further, That aliens who have declared their intention to become citizens and aliens returning after temporary absence to an unrelinquished United States domicile may be admitted in the discretion

of the Secretary of Labor, and under such conditions as he may prescribe.

The amendment was agreed to.

The next amendment was, on page 12, line 18, after the word "guests," to strike out:

Provided further, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

Mr. O'GORMAN. Mr. President, I should like to ask the Senator from South Carolina if the matter referred to in lines 18, 19, and 20, on page 12, is covered by any other provision of the bill?

Mr. SMITH of South Carolina. I think it is covered. This provision relates to cases where aliens have come into this country and have declared their intention to become citizens and then have gone out of the country and subsequently have returned to it. Under the general provisions of the bill, without this provision, they would have to go through the same process as any other immigrants.

Mr. O'GORMAN. The House bill on the lines indicated provided:

That nothing in this act—

It did not refer to this particular section—

shall exclude the wife or minor children of a citizen of the United States.

Mr. SMITH of South Carolina. Oh, the Senator is referring to that amendment?

Mr. O'GORMAN. Yes; that is the one we are now considering. The committee, of course, has advised that this provision should be eliminated. I believe it contains a very good policy, and I desire to know whether the same principle is covered by any other section of the bill. If it is not covered by something elsewhere in the bill, I think the House provision should be retained, because it is unthinkable that an alien citizen or a native citizen could have his wife or his minor children excluded from coming to this country because they did not meet the educational or some other test prescribed in this bill. In a word, can the Senator state why this provision was stricken out?

Mr. SMITH of South Carolina. If the Senator will turn to section 22, on page 47, he will find it says:

That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, and said wife or any of said minor children shall be found to be affected with any contagious disorder, such wife or minor children shall be held, under such regulations as the Secretary of Labor shall prescribe, until it shall be determined whether the disorder will be easily curable or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined—

And so forth. That is a provision whereby these persons with contagious diseases which would ordinarily cause their exclusion are to be detained until it is found whether they can be admitted without jeopardizing the lives and health of the citizens of this country.

Mr. O'GORMAN. Assuming that there are other provisions in the bill covering the part stricken out, I withdraw my opposition for the present.

Mr. SMITH of South Carolina. That was the reason for it.

Mr. REED. Mr. President, I am very much afraid there is no provision covering this proposition. Let us go back for a moment to page 7. Among those excluded are—

All children under 16 years of age, unaccompanied by or not coming to one or both of their parents.

Mr. SMITH of South Carolina. If the Senator will turn to page 48 he will see that that is amply covered.

Mr. REED. I am coming to that very matter.

Mr. SMITH of South Carolina. Look at the provision on page 48.

Mr. REED. The language stricken out is:

Provided, That nothing in this act shall exclude the wife or minor children of a citizen of the United States.

Now, we have an exclusion of all children under 16 years of age unless they are coming to their parents. Nothing is said there about the wife. Then we go to page 48.

Mr. SMITH of South Carolina. Read the proviso there in italics.

Mr. REED (reading):

That whenever an alien shall have been naturalized or shall have taken up his permanent residence in this country and shall have filed his declaration of intention to become a citizen and thereafter shall send for his wife or minor children to join him and said wife or any of said minor children shall be found to be affected with any contagious disorder—

Mr. SMITH of South Carolina. Now read the proviso on that same page.

Mr. REED. Page 48?

Mr. SMITH of South Carolina. Yes. [Reading:]

Provided, That if the person sending for wife or minor children is naturalized a wife to whom married or a minor child born subsequent to such husband's or father's naturalization shall be admitted without detention.

Mr. REED. That applies only to the naturalized citizen. It does not apply, and I call the Senator's attention to that fact, to the man who has applied for naturalization. That clause does not apply to the man who is permanently a resident here and who possibly is ineligible for naturalization. Certain classes of people are ineligible. I call the Senator's attention to the fact that it is a question worthy of consideration whether there may not be now a class of people not naturalized, who either have applied for naturalization or who for some reason are ineligible, who could not bring their wives and children here.

Mr. SMITH of South Carolina. The Senator from Missouri would not want one who could not become a citizen of this country to send for his wife and children and have them come into this country without the provisions in this section, which simply mean that they must be detained. Even here in the first section—

Mr. REED. The Senator means on account of health, or something of that kind?

Mr. SMITH of South Carolina. Yes. The bill says now, in section 22, that whenever an alien shall have been naturalized or shall have taken up his residence in this country and shall have filed his declaration of intention to become a citizen, then, if his wife and children come here, they must be detained to see whether or not they will spread disease. In this proviso, when the man has become naturalized, his wife and children are admitted.

Mr. REED. I do not desire to detain the Senate, but I am very fearful that an injustice might be worked there. As the section will come up again in some other form, however, for the present I shall make no further objection.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 14, line 4, after the word "solicit," to insert "or attempt to induce, assist, encourage, or solicit," so as to read:

That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit, or attempt to induce, assist, encourage, or solicit the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the provisions of section 3 of this act.

Mr. WARREN. Mr. President, I should like to ask the Senator in charge of the bill why that amendment is necessary. It seems to me the language preceding it is sufficient.

Mr. SMITH of South Carolina. To what language does the Senator refer?

Mr. WARREN. The language which the Secretary has just read, and which I believe is in lines 4 and 5, page 14.

Mr. SMITH of South Carolina. "Or attempt to induce, assist, encourage, or solicit?"

Mr. WARREN. It reads here:

That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to induce, assist, encourage, or solicit—

Then follows—

or attempt to induce, assist, encourage, or solicit.

I see no necessity for that last clause. Perhaps the Senator has some reason for it. The Senator will notice that the language preceding that is:

Or in any way to induce, assist, encourage, or solicit.

I speak of it now because the same amendment occurs in several places on the following pages.

Mr. SMITH of South Carolina. I think the idea of the committee in incorporating that amendment, as well as I recall now, was that very often attempts were made, and without this language it would be necessary to prove that the person actually did induce and bring in an alien when there might be evidence that there was an attempt made, even if there was no result found. It was inserted to shut off the possibility of their coming in even where at the time there was a failure of inducements which might ultimately bear fruit, as well as I recall.

Mr. WARREN. If there have been such cases as that, that may explain it.

Mr. SMITH of South Carolina. The commissioner called our attention to that fact.

Mr. WARREN. I may not give enough credit to the English language, but it seems to me, when it reads as it does here as it came from the House, that it is unlawful to in any way induce, assist, encourage, or solicit the immigration of contract

laborers, that covers the matter fully. I have examined the dictionary, and I do not see how anything further would be necessary to make that effective. It seems to me that this language, "or attempt to induce, assist, encourage, or solicit," is surplusage, unless it is sought to make this legislation so drastic that if an American walking along the street in a foreign country should say in response to a question that his country was a good one he might be indicted for an attempt to encourage emigration to this country.

Mr. SMITH of South Carolina. As well as I recall, cases have arisen where there has been an attempt and nothing has come of it, but later on that very attempt has borne fruit and lawsuits have grown out of it, even though there was an immediate failure. If you look at the next section you will find this language:

That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise,

The advertisement of a steamship company is an attempt to induce by promise or reward, and, as well as I remember, that was put in to discourage that particular kind of advertisement by certain corporations, that labor here was desirable and could be employed at certain wages. They did not bring them in right then, but they were making the attempt to induce them to come.

Mr. WARREN. There may be places where the amendment would seem necessary, but in the place I speak of and on page 15, line 5—

Mr. SMITH of South Carolina. I think that was made to conform to the section following, so as to make it conform in both instances where it applied to the same thing.

Mr. WARREN. I am sure the Senator thinks it is necessary, but I do not see the necessity of it.

Mr. GRONNA. Mr. President, I wish to call the attention of the chairman to the fact that this matter was discussed before the committee, and that I called attention to it as being a very dangerous provision. The Commissioner of Immigration was present at the time. While I am not at liberty to quote him here, nor shall I quote him, I make the statement that there is no need of this provision in the bill.

The chairman will also remember that I called attention to the fact that a certain farmer in my State had written a letter to certain men across the border in the Dominion of Canada, when he had evidently received an inquiry or a letter asking him if work was to be had in the harvest field, having answered the letter and said that they could get labor at \$3.50 a day. All this particular farmer did was to answer that letter. Later on, in the fall, an immigration agent took the case up, and that particular farmer was fined \$5,000. The case has been in court. I can not recall the case just now, but it is a matter of record that for the simple offense of this farmer writing a letter and answering an inquiry as to whether labor could be had he was subjected to a fine. Whether he was imprisoned or not I do not know; but he was subject to imprisonment, and I do know that a fine was imposed.

I am opposed to this amendment. It is unnecessary, and I do not believe that the commissioner will insist upon this amendment.

Mr. WARREN. The Senator from North Dakota has well stated what I feared. In these days of neutrality under our restrictions, which we are striving to obey, we are giving particular attention to what might be the construction of our language, and it seems to me if I should be asked a question upon the streets of a foreign country or if I should answer a letter truthfully that I thought this a good country, or a good country for a laboring man, under this language I might be apprehended.

I do not feel that it is necessary, because while we want to have all due restrictions, it does not seem to me that we ought to make a law that looks as if we had an attack of hysteria at the time we enacted it and were afraid that anybody should feel that we have a country worthy of receiving respectable immigrants or a country desirable to live in.

The language is strong enough without it, and the presumption is that if it is added it must be for a restriction which I do not believe we should be submitted to. I do not believe the Senator or I should be placed where if we received a respectful letter of inquiry we could not properly answer it or that we could not answer a respectable inquiry upon a street of any city of our country or any other. I know I often receive letters from abroad from people I have met asking questions about our country, its progress, its prosperity, its plans, and so forth, and I am in the habit of answering them freely, with no thought

of encouraging a man to come here in the light of bringing him against our labor-contract laws or anything of that kind.

I want to see the law restrictive. I want to see the law a reasonable one; but that kind of language interpolated into it, where it is totally unnecessary, ought to be stricken out.

Mr. SMITH of South Carolina. The Senator from Wyoming can see that in the case indicated by the Senator from North Dakota [Mr. GRONNA] this language would save the farmer from that humiliation and embarrassment if he had just written a letter. Though he did break the contract law by saying that labor could be obtained at three dollars and a half a day, this says, "to induce, assist, encourage or solicit, or attempt to induce labor to come."

Mr. WARREN. Right there will the Senator allow me to interrupt him?

Mr. SMITH of South Carolina. Certainly.

Mr. WARREN. Then we take the ground that we want to pass a law whereby we deny ourselves the right to say to any inquiring party what we think of the country, its prosperity, or its opportunities. Is that in the Senator's mind?

Mr. SMITH of South Carolina. No; the Senator will recognize that he would have the right not only to state as an individual in a foreign country or elsewhere that this is a fine field for labor but the wages paid in different occupations. However, that is quite different from me, a farmer, writing to laborers in another country—contract labor—that they could get three dollars and a half a day here. That is a different proposition from saying that the wages are high.

Mr. WARREN. That is a long way from contracting with a man to come here and work at lower wages than are paid in this country. The Senator knows what the law attempts to effect and what we all sustain it in, to prevent the making of contracts abroad with laborers and to bring them in to compete with our own at lower prices. On the other hand, this country has been built up very largely by a class of immigrants who have done credit to themselves and to the country, and foreigners should be able to obtain some direct information of this kind. They get some through the press and in other ways. It may so happen that the Senator or I or other Senators have met and will continue to meet persons abroad who make inquiries regarding this country. Shall we stultify ourselves and belittle the country by not answering frankly what the prospects are in this country?

Mr. SMITH of South Carolina. Oh, this proposed law does not even intimate anything of the kind. It expressly says who shall "attempt to induce." What the Senator refers to is no attempt on his part to induce labor to come at a specified price. You do not call on them to come under contract. The object is to avoid the very difficulty that the farmer in the State of North Dakota allowed himself to get into.

Mr. WARREN. Then, as I understand the Senator, the object is to avoid that by putting a ban upon and muzzling everyone in this country so that our people will not be able to answer a letter of inquiry as to the wages of the country.

Mr. SMITH of South Carolina. Surely not. No such construction can be placed on it. If the man makes an attempt, or if he invites specifically, as anyone would construe the law, a contract laborer to come here at a specified price, he is breaking the law.

Mr. WORKS. Mr. President—

Mr. WARREN. If the Senator from California will allow me just a word further, that is amply provided for in the language which precedes this proposed amendment. The whole meaning is to induce, to assist, to encourage, or to solicit. It is to favor or to help in some way, not to "attempt to encourage," carrying it to a degree that I do not understand. It may be that the English language is further away from me to-day than usual.

Mr. WORKS. Mr. President, I only want to suggest to the Senator from Wyoming that I think he is giving this clause in the bill altogether too broad a construction. It does not forbid soliciting or attempting to induce laborers to come to this country, but contract laborers. I do not very well see how a conviction could have been had against the farmer mentioned by the Senator from North Dakota [Mr. GRONNA]. Certainly there was no attempt in that case to bring in contract labor as I understand from what the Senator said about it, and I do not see very well how he was convicted under those circumstances.

Mr. WARREN. It is easier to convict him under the language of this bill than it would be probably without it.

Mr. WORKS. No; I think not.

Mr. GRONNA. I wish to call the attention of the Senator from California to the fact that all that the farmer did was

to write the letter, but he did employ the five men in the harvest field. They were employed by him later on. He entered into no contract with them except writing a letter, telling them that work was to be had.

Mr. WORKS. That would be no violation of the statute unless there was a contract in advance and he brought them in under the contract, for that is what contract labor means.

Mr. GRONNA. Then I ask the Senator if the law is rigid now, why make it still more rigid?

Mr. WORKS. I do not very well see how anyone could be convicted under those circumstances. I think there must have been some mistake about it.

Mr. WILLIAMS. Mr. President, I am thoroughly in sympathy with the general purposes of this act, but, like most laws, it goes a little bit too far, because when men undertake to do anything—get to the point of doing it—they go further than they ought. Some time ago one of the sweetest and best informed women in the State of Mississippi came to me and said that she had received an invitation to deliver certain lectures somewhere in Great Britain—principally Scotland, I believe—and she wanted to select as the subject of her lectures Dixieland—her own country. She came to me to learn to what extent she could go in telling what a real good land Dixie is, how much hog and hominy might be had in it, how pleasant the fields are, how happy the climate, how fertile the soil, and all the balance of it. She had, much to her own astonishment and mine, stumbled over certain provisions of the immigration law which prevented her at that time—I did not know what were the particular provisions, but I expect it was this language:

That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepare the transportation or in any way to induce, assist, encourage, or solicit.

The balance of it might stand very well without the word "encourage," and I do not see how it could have been with that alone very wrong. Then this committee has put in "or attempt to induce, assist, encourage, or solicit."

I have no objection to making a law against those who induce or assist or solicit or attempt to induce, assist, or solicit, but when you come to saying that a man has committed a crime who has encouraged immigration to the United States, that is going too far. It seems to me if you happened to meet a man under a shelter in the rain in the city of London and fell into conversation with him and told him what a good country you had, and what a good State, and what was the prevailing rate of wages, and if that man might form an acquaintance with you and afterwards come to the United States and hire himself to you, you would be guilty under this act of "encouraging" immigration. Then if you go further and say he shall be guilty of crime if he "attempts to encourage," I do not know how they would proceed against you, because the fault would have taken place on English soil in that particular case, and, of course, they could not lay the venue. But suppose the encouragement had taken place by letter in the manner indicated by the Senator from Wyoming [Mr. WARREN]. Some man over there writes to me, saying "What sort of a country have you got down in Mississippi now? What sort of encouragement is there for a farm laborer? What sort of encouragement is there for labor in the mines, or anything of that sort?" Suppose I would write back to him a general letter; tell him what a glorious country it is, what a sweet place it is to live in, how you call yourself blessed every morning whether you looked over the front porch of a mansion or the back porch of a cabin, blessed simply because you are in such a happy land under such happy skies, and then suppose you told him what sheep sold for and how much was paid for labor, and all that. Then suppose this man would come over afterwards. In that case I would not have been guilty of "inducing" or "assisting" or "soliciting," but I would have been guilty under this act of "encouraging" that man's moving into the United States, and, as far as I can see, encouraging him regardless of the fact whether he came to me afterwards and got employment from me or whether he came to that particular section and county and got it from somebody else. If after writing him that sort of a letter he came to me, when I had written to him that he could get so much per month or so much per day, a cabin, and so much garden room, and free wood, and free pasturage for work stock and milch cows, and a half holiday, and whatever the other things were that I might in truth have said to him about the country, and he said, "I got your letter and I have come over here, and I want you to make good"; I would feel pretty much like a whipped dog if I could not do it. I would feel like I was acting in bad faith.

Mr. SMITH of South Carolina. I should like to recall to the Senator from Mississippi that most of this language is placed here on account of the fact that the steamship companies en-

courage immigrants in order to fill up their steerage and cabin space.

Mr. WILLIAMS. It is all very well to hit them, because they are "inducing" and are in that way "assisting." They are "soliciting" people to come here, and they are doing it for selfish pocketbook purposes. But while you are doing that, it does not seem to me that you ought to adopt language which is so broad as to include other people, and to include people who have no idea of doing any unlawful act at all, and who are merely speaking well of themselves and their neighbors and their country.

I shall move, Mr. President, to strike out the word "encourage" in line 4 and the word "encourage" in line 5, so that it shall read "induce, assist, or solicit, or attempt to induce, assist, or solicit."

Mr. SMITH of South Carolina. I suppose the Senator from Mississippi knows that the word "encourage" in the roman text is already in the law of 1907. It is a part of the old law, and that has not been changed.

Mr. WILLIAMS. I understand that; and all you have done is to add the words "or attempt to induce, assist, encourage, or solicit."

Mr. SMITH of South Carolina. Yes.

Mr. WILLIAMS. You have gone further, and I am opposed to the old law in that particular, to going further back, and I am opposed to both of them for the very reason I was stating. Here is this woman who made a good record, a very intelligent woman, a lecturer, who wanted to prepare a lecture upon Dixie, the land she lived in and the land she loved, and meant thereby to tell the English and Scottish people about Dixie; and she found out that she was about to stumble into a violation of the immigration laws of the United States for doing what? By going to Scotland and telling what a great country of undeveloped and sublime resources Dixie is. I do not think we ought to have any such law capable of such construction as that upon the statute books. The language now upon the statute books makes it a crime to "encourage," and the language proposed adds to it "to attempt to encourage." I move to strike out the word "encourage" in both places.

Mr. SMITH of South Carolina. If the Senator from Mississippi will withhold his motion, I will ask that the amendment be passed over because we are now considering the committee amendments. All that we could do now would be to strike out the word "encourage" in the committee amendment, because we can not strike out the word "encourage" in the law.

Mr. WILLIAMS. I am perfectly willing to do that. At the proper time I will make that motion.

Mr. REED. Of course, if the language the Senator from Mississippi objected to is given serious consideration, then this particular amendment ought now to be made to conform.

Mr. WILLIAMS. The chairman of the committee has asked that the matter should go over until we reach the parliamentary stage where individual amendments will be in order. He has asked that the entire matter might go over. I ask that my amendment may go over with it, and another in line 5, on page 15.

The VICE PRESIDENT. Without objection, it will be passed over.

Mr. WARREN. I understand the proposition is to pass over the committee amendment.

Mr. SMITH of South Carolina. To pass over all.

Mr. WARREN. To pass it over and to leave the amendment proposed by the Senator from Mississippi in abeyance?

Mr. SMITH of South Carolina. Yes; in abeyance.

Mr. WARREN. I am assuming that we also have passed over the amendment on line 5 on page 15.

The VICE PRESIDENT. The Chair so understands.

Mr. WALSH. What was done with the amendment proposed in lines 8, 9, and 10 on page 14?

The VICE PRESIDENT. Nothing. The amendment will be stated.

The SECRETARY. After the word "act," in section 5, page 14, line 8, insert:

And have been imported with the permission of the Secretary of Labor in accordance with said section.

The VICE PRESIDENT. If there is no objection, the amendment will be agreed to.

Mr. WALSH. I desire before it is disposed of to inquire of the chairman of the committee whether the word "and" should not be "or." It is very proper to make it criminal to induce, assist, or solicit any of those not within the exceptions in section 3.

Mr. SMITH of South Carolina. I ask that the amendment be temporarily passed over and I will make a note of the Senator's suggestion.

The VICE PRESIDENT. The amendment to section 5 beginning in line 8 on page 14 and the amendment to section 6 on page 15 are passed over.

The next amendment of the Committee on Immigration was, in section 7, page 15, line 20, after the word "printing," to strike out "or"; in line 21, after the word "representation," to strike out "or by the"; in line 21, after the word "commissions," to strike out the words "or the"; in line 22, after the word "alien," to insert "or otherwise"; and in the same line, after the word "otherwise," to strike out "or by any transportation company to another transportation company participating in the transportation of any alien out of the fare of such alien."

The amendment was agreed to.

The next amendment was, in section 7, page 16, line 1, after the word "encourage," to insert "or attempt to solicit, invite, or encourage."

Mr. SMITH of South Carolina. I ask that this amendment be passed over for the reason I gave a while ago.

Mr. WILLIAMS. I beg the Senator's pardon; it applies only to persons engaged in the business of transporting. I am perfectly willing to punish them for encouraging it.

Mr. SMITH of South Carolina. Very well; let the amendment be agreed to.

The VICE PRESIDENT. Without objection, the amendment will be agreed to.

The next amendment was, in section 7, page 16, line 14, after the word "vessel," to insert "thus proceeded against," so as to read:

And no vessel thus proceeded against shall be granted clearance pending the determination of the question of the liability to the payment of such fine, or while the fine imposed remains unpaid, nor shall such fine be remitted or refunded.

The amendment was agreed to.

The next amendment was, in section 9, page 18, after the words "United States," to insert "either from a foreign country or any insular possession of the United States"; in line 7, after the word "imbecility," to insert "feeble-mindedness"; and in the same line, after the word "epilepsy," to insert "constitutional psychopathic inferiority, chronic alcoholism," so as to read:

Sec. 9. That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel, to bring to the United States, either from a foreign country or any insular possession of the United States, any alien afflicted with idiocy, insanity, imbecility, feeble-mindedness, epilepsy, constitutional psychopathic inferiority, chronic alcoholism, tuberculosis in any form, or a loathsome or dangerous contagious disease, etc.

Mr. GALLINGER. Mr. President, I raised the question a little while ago as to that term "constitutional psychopathic inferiority." I still think it is a very awkward phrase, but I have been told that some very distinguished alienists have recommended it as a proper term to be used in this bill, and that being the fact I have no disposition to contest it at all. I think the amendment might well be agreed to. I feel sure that some other phrase would have been better had those distinguished gentlemen taken time to consider the matter carefully, but this term doubtless will accomplish their purpose. The idea is that if they find a man mentally deficient, not stating to what extent he shall be deficient, he will be excluded. The term "inferiority" is very elastic and will enable them, I think, to exclude a good many men who are merely erratic rather than mentally unsound. However, as some distinguished philosopher said, we are all crazy; it is a mere matter of degree, perhaps it is well to submit the matter to these distinguished alienists for determination.

Mr. STONE. Mr. President, it is about 4 o'clock and, if agreeable to the chairman of the committee in charge of the bill, I wish to move an executive session.

Mr. SMITH of South Carolina. I ask that the bill be temporarily laid aside before going into executive session.

The VICE PRESIDENT. Then, if there is no objection, the pending amendment will first be agreed to, and then the bill will be temporarily laid aside.

Mr. GALLINGER. That having been agreed to, I ask the chairman if it would not be well to recur to the same phraseology that previously occurs in the bill and agree to that amendment also.

Mr. SMITH of South Carolina. All right.

Mr. GALLINGER. I think that ought to be done.

The VICE PRESIDENT. Without objection, the amendment on page 4, line 25, will be agreed to. It is agreed to.

EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 57 minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until to-morrow, Friday, December 11, 1914, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, December 10, 1914.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Come, Thou almighty God, with all Thy quickening power and possess our hearts that we may think wisely, act nobly our part in the great drama of life, for we realize that if we do faithfully the things of to-day we shall be the better prepared to do with greater ease and efficiency the things of to-morrow, and when the crucial test shall come, and come it will, we shall have builded a character which shall enable us to acquit ourselves like men and leave behind us a record worthy of emulation and be prepared for whatever awaits us in the great beyond. And Thine shall be the praise forever. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS.

Mr. WALLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a report made by the American Chemical Society relative to the feasibility of extending the chemical and dyestuff industry in the United States.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a report made by the American Chemical Society as to the feasibility of extending the manufacture of dyestuffs, and so forth. Is there objection?

Mr. MANN. What is the request?

Mr. FOSTER. I did not understand it.

The SPEAKER. The gentleman will restate what it is so that the gentleman from Illinois will understand.

Mr. WALLIN. It is the report made by the American Chemical Society relative to the feasibility of extending the industry of chemicals and dyestuffs in the United States. There is no politics in it at all.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an editorial from the Louisville Courier-Journal of December 8.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD by printing an editorial from the Louisville Courier-Journal, which appeared on December 8, written by "Marse Henry" Watterson.

Mr. MANN. In relation to what?

Mr. HOWARD. In relation to the military situation in the United States.

Mr. BARNHART. Mr. Speaker, I object.

HABIT-FORMING DRUGS.

Mr. KITCHIN. Mr. Speaker, I call up for consideration conference report on the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes.

The SPEAKER. The gentleman from North Carolina calls up the conference report on the bill H. R. 6282, which the Clerk will report.

Mr. KITCHIN. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report. It fully explains the matter.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the statement may be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The statement was read.

The conference report and statement are as follows:

CONFERENCE REPORT (No. 1196).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 6282) to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who